

Chapter 17.200**DESIGNATION OF LAND USE ZONES****Sections****Section 17.200.010 Classification of Land Use Zones****Section 17.200.020 Land Use Zone Map; Relationship to Comprehensive Plan****Section 17.200.030 Determination of Zone Boundaries****Section 17.200.010 Classification of Land Use Zones**

All land within the City of Damascus shall be zoned by the City, consistent with the Comprehensive Plan Land Use Map, applicable Comprehensive Plan policy, and the provisions of this Chapter, as indicated in Table 17.200.010A. Land use zones are the same as zones and are designated on the City of Damascus Zoning Map as follows:

Table 17.200.010A – Comprehensive Plan Designations and Land Use Zones	
Comprehensive Plan Designation	Applicable Land Use Zone
Legacy Neighborhood Neighborhood	Legacy Neighborhood (LN) Neighborhood Low (NL) Neighborhood Medium (NM) Neighborhood Commercial (NC)
Village Center	Village (V) Center (C)
Employment	Employment (E) Industrial (I)

In addition to the base zones shown in Table 17.200.010A, overlays may be applied over any base zone and may cover multiple zones. The overlays in Table 17.200.010B provide supplementary regulations that are based on the local geography and designed to protect or enhance the public health, safety and welfare, consistent with the Comprehensive Plan.

Table 17.200.010B – Overlays	
Comprehensive Plan Policy	Applicable Overlay
Clackamas River Greenway Protection	Clackamas River Greenway Overlay (CRG)
Flood Hazard Avoidance and Mitigation	Flood Hazard Overlay (F)

Section 17.200.020 Land Use Zone Map; Relationship to Comprehensive Plan

- A. Consistency with Land Use Zone Map.** The boundaries of the land use zones contained within this Chapter shall coincide with the land use zone boundaries identified on the City's Official Zoning Map, retained by the City Recorder. Said map by this reference is made a part of this Development Code. The Official Zoning Map, and any Map Amendments, shall be maintained by the City.
- B. Applicability of Land Use Standards.** Each lot, tract, and parcel of land or portion thereof within the land use zone boundaries designated and marked on the Zoning Map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use zone.

Section 17.200.030 Determination of Zone Boundaries

Where due to the scale, lack of scale, lack of detail or illegibility of the City Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a zone boundary line, the boundary line shall be determined by the Planning Authority in accordance with all of the following criteria:

- A. Rights-of-way.** Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use zone designation that is applicable to lands abutting the vacated areas in accordance with adjusted lot boundaries. In cases where the right-of-way formerly served as a land use zone boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use zones;
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and
- D. Natural features.** Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in Subsections A - C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Type II Code Interpretation procedure, in accordance with Chapter 17.410.

Chapter 17.201**RESIDENTIAL ZONES****Sections:**

- Section 17.201.010 Purpose and Applicability**
- Section 17.201.020 Allowed Land Uses and Building Types**
- Section 17.201.030 General Development Standards**
- Section 17.201.040 Open Space Dedication**
- Section 17.201.050 Building Orientation Standards**
- Section 17.201.060 Solar Orientation**
- Section 17.201.070 Architectural Design Standards**
- Section 17.201.080 Building and Structure Height**
- Section 17.201.090 Special Use Standards**

Section 17.201.010 Purpose and Applicability**A. Purpose**

The Residential Zones are intended to promote the livability, stability and improvement of the City's neighborhoods, while accommodating development of needed housing types at a range of densities, including attached and detached housing, multiple family housing, senior housing, manufactured and site-built housing, group housing, and other special needs housing. The Residential Zones also accommodate parks, schools, urban agriculture, places of worship, and other services that are necessary to serve and create complete neighborhoods and communities.

1. **Overall Intent.** Residential land use zones are applied in accordance with the policies and Land Use Map contained in the City of Damascus Comprehensive Plan. See Table 17.201.020A. The zone standards are based on the following principles:
 - a. Promote the orderly development and improvement of Damascus's neighborhoods.
 - b. Make efficient use of land and public services and implement the Comprehensive Plan.
 - c. Designate land for the range of housing types and densities needed by the community, including owner-occupied, rental housing, and special needs housing.
 - d. Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.

- e. Provide for compatible building and site design at an appropriate scale; provide standards that are in character with the landforms and agricultural heritage of Damascus.
- f. Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, farms, urban agriculture, transportation facilities, and neighborhood services.
- g. Reduce reliance on the automobile for neighborhood travel and provide options for all modes of transportation, including walking and bicycling.
- h. Provide direct and convenient access to schools, parks, trails, and neighborhood services.
- i. Provide for interim development standards allowing limited land division and home construction in areas currently without urban services.

2. Purpose of Individual Zones

- a. The Legacy Neighborhood (LN) Zone accommodates existing and a limited number of new large lot single-family homes. New development will be limited to detached single-family homes on lots similar in size to the existing development in the area.
- b. The Neighborhood Low (NL) Zone accommodates a residential density of between four and eight dwelling units per acre. The predominant uses are single-family dwellings, accessory dwelling units, duplexes and accessory uses; however, other housing is allowed with specific limitations. Parks, urban agriculture, farms, schools, and other civic and institutional uses are also allowed.
- c. The Neighborhood Medium (NM) Zone accommodates detached single-family homes and small-scale multi-family housing, such as duplexes and townhomes at densities between eight and twenty-two dwelling units per acre. Parks, urban agriculture, schools, and other civic and institutional uses are also allowed.

Section 17.201.020 Allowed Land Uses and Building Types

Table 17.201.020A identifies the land uses and building types that are allowed in the Neighborhood Zones. The specific land use categories are described and uses are defined, respectively, in Article 1.

Table 17.201.020A – Land Uses and Building Types Allowed in Residential Zones

*Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A Not Applicable*

Land Uses and Building Types	Land Use Zones			Special Provisions
<i>(Uses and building types are defined in Chapter 17.102 Definitions)</i>	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)	
Residential Uses				
Subdivisions and Partitions	P*	P*	P*	Chapter 17.403
Single Family-detached	P	P	P	
Accessory Dwelling Unit	P*	P*	P*	Section 17.201.090(A)
Duplex:				
on a corner lot	N	P*	P*	Section 17.201.090(B)
on an interior lot	N	P*	P*	
Single Family Attached	N	P*	P*	Section 17.201.090(B)
Cottage Cluster	N	P*	P*	Section 17.201.090(H)
Manufactured Home on Individual Lot	P*	P*	P*	Section 17.201.090(F)
Manufactured Home Park	N	P	P	NL Requires density transfer credits to meet density threshold Section 17.201.090(G)
Multifamily	N	N	P*	Section 17.201.090(H)
Single Room Occupancy 4 units or less	N	N	P	Section 17.201.090(H)

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Land Uses and Building Types	Land Use Zones			Special Provisions
<i>(Uses and building types are defined in Chapter 17.102 Definitions)</i>	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)	
Single Room Occupancy more than 4 units	N	N	CU	Section 17.201.090(H)
Zero Side Yard Courtyard Housing	N	P*	P*	Section 17.201.090(I)
Group Care Home	P*	P*	P*	Section 17.201.090(D)
Group Care Facility	N	CU*	P*	Section 17.201.090(D)
Senior Housing	N	P*	P*	Section 17.201.090(K)
Commercial Categories				
Bed and Breakfast Inn	CU*	CU*	CU*	Section 17.201.090(C)
Home Based Business	P*	P*	P*	Section 17.201.090(E)
Farmers' Markets	CU*	CU*	CU*	Section 17.201.090(L)
Industrial Categories				
Urban Agriculture	P*	P*	P*	Section 17.201.090(M)

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Land Uses and Building Types	Land Use Zones			Special Provisions
<i>(Uses and building types are defined in Chapter 17.102 Definitions)</i>	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)	
Institutional Categories				
Community Service	CU	CU	CU	
Government	CU	CU	CU	
Clubs and lodges	CU	CU	CU	
Public and quasi-public buildings where public is received	CU	CU	CU	
Daycare Centers, adult or child day care; except:	CU*	CU*	CU*	Provide City with evidence of compliance with ORS 657A.250 and 657A.440(4) for childcare
Registered or Certified Family Childcare (16 or fewer children)	P	P	P	
Parks, New	CU	CU	CU	
Parks, Alterations (in conformance with an approved Master Plan)	P*	P*	P*	
Open Space, and Common Areas	P*	P*	P*	

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Land Uses and Building Types	Land Use Zones			Special Provisions
<i>(Uses and building types are defined in Chapter 17.102 Definitions)</i>	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)	
Religious Institutions and Houses of Worship	P	P	P	
Schools	CU	CU	CU	
Park and Ride	N	CU	CU	
Accessory Uses and Structures				
Accessory Structure (with a permitted use) no taller than 25 feet and no larger than 1,200 square feet of building footprint.	P*	P*	P*	Structures lawfully established prior to [effective date of code] may continue pursuant to Chapter 17.407 Non-Conforming Situations.

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*Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A Not Applicable*

Land Uses and Building Types	Land Use Zones			Special Provisions
<i>(Uses and building types are defined in Chapter 17.102 Definitions)</i>	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)	
Animals and Bees Animals - Subject to the standards in Section 17.201.120 (N)	P*	P*	P*	Farm uses lawfully established prior to [effective date of Code] may continue pursuant to Chapter 17.407 Non-Conforming Situations
Urban agriculture, Accessory uses, such as farmstands, excluding restaurants	P*	P*	P*	Farm uses lawfully established prior to [effective date of Code] may continue pursuant to Chapter 17.407 Non-Conforming Situations
Radio Frequency Transmission Facilities	CU	CU	CU	
Utility Corridors (e.g., regional gas pipelines, electrical transmission lines, etc.)	CU	CU	CU	Except those existing prior to effective date of code are permitted

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Land Uses and Building Types	Land Use Zones			Special Provisions
<i>(Uses and building types are defined in Chapter 17.102 Definitions)</i>	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)	
Temporary Uses	P*	P*	P*	In accordance with Chapter 17.411.030
Transportation Facilities: See Section 17.100.110.				
Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws.				

Section 17.201.030 General Development Standards

The development standards in Table 17.201.030A apply to all existing uses, structures, and buildings, and all developments in Residential Zones.

Table 17.201.030A – Development Standards for Residential Zones <i>Except as modified by any Overlay or as approved under Chapter 17.406 Planned Developments. * indicates special standards apply. N/A indicates Not Applicable.</i>			
Standard	Land Use Zones		
	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)
Density			
Minimum and Maximum Residential Density for new partitioned or subdivided lots or multi-family development of three or fewer dwelling units on a single property* Dwelling units per gross acre of buildable land. Buildable land does not include any protected natural feature land. Excludes land area with slope greater than 25% which is subject to the density standards below. Increased density above the base amount may be approved pursuant to Transfer of Development Credits in accordance with Chapter 17.413	No minimum density - New lots must be at least 105% of the median size lot in the contiguous Legacy Neighborhood (LN) Zone	4 dwelling units per acre - base amount 8 dwelling units per acre - maximum with density transfer	8 dwelling units per acre - base amount 22 dwelling units per acre - maximum with density transfer
For land with slopes 25% and greater See Transfer of Development Credits Chapter 17.413	1 dwelling unit per 2 acres	1 dwelling unit per 2 acres	1 dwelling unit per 2 acres
*Every legal lot-of-record is allowed at least one dwelling unit.			

Table 17.201.030A – Development Standards for Residential Zones <i>Except as modified by any Overlay or as approved under Chapter 17.406 Planned Developments. * indicates special standards apply. N/A indicates Not Applicable.</i>			
Standard	Land Use Zones		
	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)
Minimum Lot Width and Depth in Feet			
No requirements	Average width and depth of the adjacent properties	40 feet for minimum width of a detached single family lot 25 feet minimum width for an attached single family lot 80 feet for minimum depth of all lots No minimums for a multi-family lot	40 feet for minimum width of a detached single family lot 25 feet minimum width for an attached single family lot 80 feet for minimum depth of all lots No minimums for a multi-family lot
Building/Structure Height in Feet			
Primary structure	35	35	35
Detached accessory dwelling unit	25	25	25
Accessory structure	25	25	25
*See Definitions for methodology of determining height. Fences, Garden Walls and Other non- Building Structures are subject Section 17.302.050, Fences and Walls.			

Table 17.201.030A – Development Standards for Residential Zones <i>Except as modified by any Overlay or as approved under Chapter 17.406 Planned Developments. * indicates special standards apply. N/A indicates Not Applicable.</i>			
Standard	Land Use Zones		
	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)
Lot Coverage	45%	45%	60%
Maximum Lot Coverage by all structures			
Minimum Landscape Area			
Does not apply to lots with Single Family or Duplex dwelling units.			
Minimum Setbacks in Feet <i>Note: Other standards such as Clear Vision requirements and easements may preclude building at a minimum setback. See also, special setbacks for planned street improvements</i>			
Yard adjacent to a street (special setbacks may apply on arterial and collector streets)	20	10	5
Rear Yard	20	20	20
Interior Side Yard	10	5	5
Except Attached or Zero- Side Yard housing – see below			

Table 17.201.030A – Development Standards for Residential Zones <i>Except as modified by any Overlay or as approved under Chapter 17.406 Planned Developments. * indicates special standards apply. N/A indicates Not Applicable.</i>			
Standard	Land Use Zones		
	Legacy Neighborhood (LN)	Neighborhood Low (NL)	Neighborhood Medium (NM)
Attached Single Family Side Yard	N/A	0	0
Common Wall setback	N/A	10	10
Setback between buildings	N/A	0	0
Zero Side Yard Courtyard Housing	N/A	10	10
Zero Side Yard setback			
Setback between buildings			
Garage setback	20	20	20
Distance between garage door or opening to carport and street property line measured along centerline of driveway.			
All street-facing garage openings and carport openings shall be recessed at least six feet behind the front building elevation; a front porch projecting at least six feet beyond the garage opening meets the “recess” requirement.			
Alley setback	0	0	0

Section 17.201.040 Open Space Dedication

When a residential property is developed as a subdivision or a multifamily development larger than four acres, with an average density of four dwelling

units per acre or more, the property owner can dedicate 15% as open space and/or parks OR pay a parks SDC. The owner can develop a portion of the open space as a park with the total dedication as a minimum of 15%.

Section 17.201.050 Building Orientation

A. Purpose. The following standards are intended to orient building entrances toward streets to allow for safe and effective use of multiple modes of transportation, including walking, bicycling and transit. Placing high density residences and other buildings close to the street also encourages crime prevention, natural surveillance and security of public and private property, and overall neighborhood safety and livability by having more eyes-on-the-street.

B. Applicability. Section 17.201.070 applies to buildings and developments that are subject to Site Design Review under Chapter 17.401. See also Chapter 17.301 Access and Circulation.

1. **Building Orientation Standards.** All multi-family dwelling units shall have a primary entrance oriented to a public street sidewalk, or an interior walkway

that connects to a public street sidewalk, as generally illustrated in the adjacent Figure. Where no adjacent public street sidewalk exists or it is not practical to orient an

Acceptable Site Plan



Unacceptable Site Plan



entrance to a public street due to topographic or other physical site constraints, dwelling entrances may orient to a walkway, courtyard, or common lobby or breezeway (i.e., for multiple family buildings) meeting the standards of Section 17.301.030.

- a. Where a proposed development abuts a City-approved alley or shared access drive that has been created for purposes of accessing the subject site, off-street parking for the development shall be accessed primarily from the alley or shared driveway and direct access to abutting streets shall be minimized.
- b. Off-street parking, driveways, and other vehicle areas shall not be placed between primary building entrances and the street(s) to which they are oriented, as generally illustrated in the Figure above; except the following vehicle areas are allowed where the decision making body finds that they will not adversely affect pedestrian safety and convenience:
 - c. Nursing homes, assisted living facilities, schools, places of public assembly or religious worship, and similar institutional uses may have one driveway located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a raised pedestrian walkway, as required by Section 17.301.030. The intent of this exception is to provide for one drop-off/loading zone while maintaining a direct, convenient and safe pedestrian access to a primary building entrance;
 - d. Attached single family dwellings (townhomes) that contain street-facing garage openings shall have not more than one driveway access located between the street and the primary building entrance for every two attached dwelling units; except that this requirement does not apply where the width of townhome lots is fifty feet or greater. Where a shared driveway is required, it shall meet the following criteria, as generally shown in the Figure below:

- i. Where two abutting townhomes are required to share one driveway, the driveway access shall not exceed



twenty feet in width where it crosses the sidewalk and where it intersects the street (excluding driveway apron);

- ii. All primary building entrances shall be connected to the driveway (and sidewalk) via a pedestrian walkway that is not less than three feet wide;
- iii. The width of all street-facing garage openings on a townhome building shall not exceed fifty percent of the overall width of the building façade or street-facing elevation.

Section 17.201.060 Solar Orientation

Solar orientation in site design and building placement conserves resources and reduces energy costs by allowing for passive heating of buildings in winter months and the opportunity for the use of solar water heating systems or photovoltaic cells. All projects shall provide for solar access through site design and building orientation to the extent practicable, except that the following types of projects are exempt: single-family developments where all lots exceed 10,000 square feet; and projects where existing tree canopy cover, structures, and/or topography precludes solar orientation.

The solar orientation standard is met when at least eighty percent of all single family and duplex lots in a subdivision, as applicable, have front or rear property lines that are oriented within thirty degrees of a true east-west axis. For multifamily projects, at least one building containing dwellings, or half of all proposed buildings, whichever is greater, shall have its/their longest wall oriented within thirty degrees of a true east-west axis and at least eighty percent of its/their south ground floor elevation shall not be shaded by other structures or proposed landscaping based on a solar analysis; incidental shade caused by the building's eaves, trellises, canopies and similar detailing is exempt. Alternatively, multifamily buildings are deemed to comply when at least thirty percent of their overall glazing, and twenty percent of their roof area which faces within thirty degrees of south, are not shaded.

The solar analysis shall be based on when the sun is at an altitude of twenty-one point three degrees and an azimuth ranging between twenty-two point seven degrees east and west of true south.

Section 17.201.070 Architectural Design Standards

A. Purpose. Establish clear and objective standards for building design in Residential Zones to promote land use compatibility and livability while protecting property values and ensuring predictability in the development process. The intent is to:

1. Reduce the visual dominance of garage openings as viewed for abutting streets, parks, and other public use areas.
2. Encourage a diversity of building facades and rooflines at an appropriate neighborhood scale.

3. Utilize height, massing, and articulation to promote compatible building-to-building relationships, and to create a sense of street enclosure at a pedestrian-scale in urban neighborhoods.

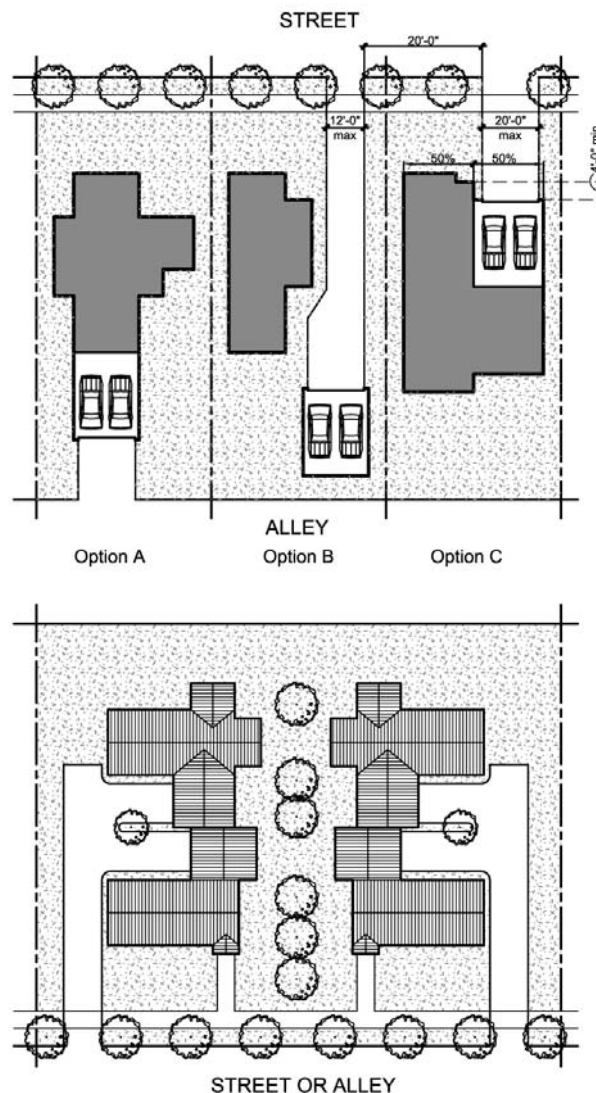
B. Applicability. Section 17.201.070 applies to dwellings in land divisions platted after **effective date**, including any new lots created therein. The standards apply to the following residential building types: multifamily, single family (not attached), attached single family (townhome), duplex, and cottage cluster. The standards are applied through building plan review for single family (not attached) dwellings and Site Design Review and/or Planned Development Review, as applicable, for other building types.

C. Standards.

1. Garage Design

- a. Where alleys or shared driveways exist or are proposed (Option A), all garages and off-street parking areas must orient to the alley/driveway.

- b. Where street-loaded garages are proposed (Options B or C), all garage openings shall be setback from adjacent streets by at least twenty feet; shall not exceed fifty percent of the width of the front building elevation; and shall be recessed at least four feet behind the front elevation of the dwelling or the same distance behind a covered porch that is at least six feet in depth and width. Alternatively, garage openings may exceed fifty percent of the width of the front building elevation where the entire garage is placed on the rear half of the lot. Side-loaded garages where the garage opening does not face a street are exempt from these requirements. See examples.



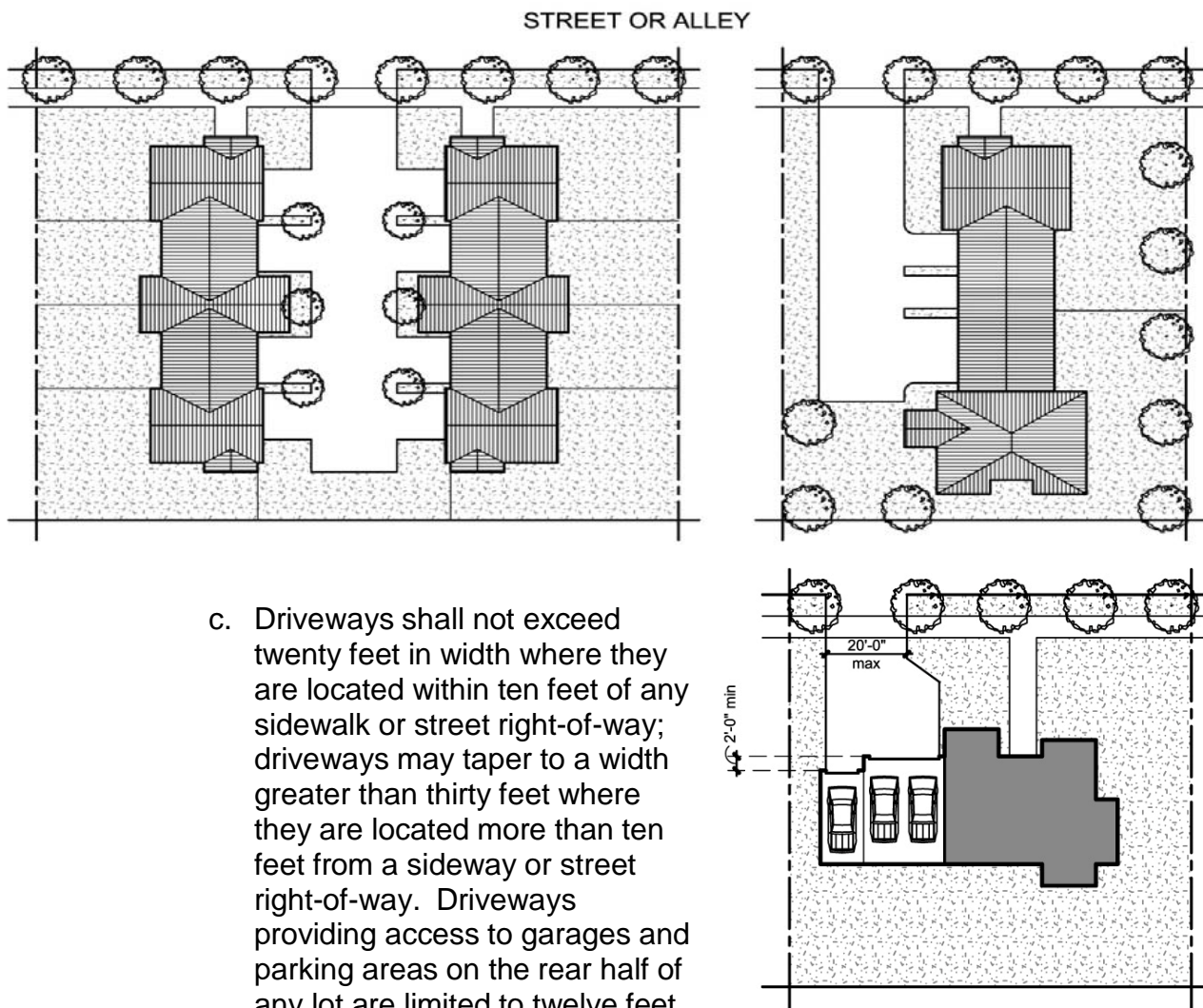


Figure 1 - Garage Standards

Garage Standards: Examples of multifamily modules with two to eight dwelling units per building (one or two story), and parking in shared parking courts. Building orientation promotes compatibility with single family dwellings across the street. Note landscape buffering may be required in side and rear yards.

- c. Driveways shall not exceed twenty feet in width where they are located within ten feet of any sidewalk or street right-of-way; driveways may taper to a width greater than thirty feet where they are located more than ten feet from a sidewalk or street right-of-way. Driveways providing access to garages and parking areas on the rear half of any lot are limited to twelve feet in width where they are located on the front half of the lot. An additional four foot width is allowed for driveways that are shared by more than one dwelling, and where driveway aprons connect to a street.
- d. Subdivision lots and dwelling plans should be oriented to provide for on-street parking (e.g., by staggering driveways on opposite sides of a street). Driveway curb openings shall be spaced at least eighteen feet apart from one another to provide space for on-street parking between them; alternatively, where closer spacing results in more efficient on-street parking, driveways may be paired together. Where driveways are paired, a four foot minimum landscape strip beginning ten feet back from the sidewalk or right-of-way is required between them for surface water runoff, i.e.,

two foot landscape strip on each lot between driveway and common property line.

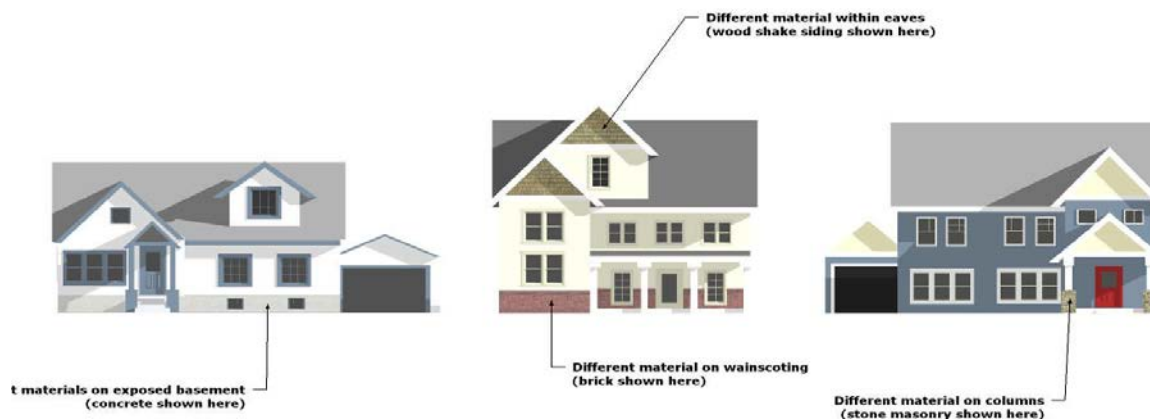
- e. Where three or more contiguous garage parking bays on the same structure are proposed facing the street, the parking bay closest to a side property line must be recessed at least two feet behind the other two bays to break up the appearance of the garage elevation; side-loaded garages where the garage openings do not face a street are exempt from this requirement.

2. Front/Street Facade Variation

- a. *Purpose and applicability.* The following requirements for façade variation promote variety in housing design to improve the appearance and aesthetics of new subdivisions and multifamily developments. The standards are intended to avoid homogeneous facades that detract from the appearance of neighborhoods. The standards apply to all dwellings in subdivisions platted after **effective date of Code** and all dwellings subject to Site Design Review or Planned Unit Development Review.
- b. *Standards.* No two directly adjacent or opposite dwelling units may possess the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another by at least four of the six following elements:
 - i. Mix of Materials – Different mix of materials in compliance with Subsection (C)(3) below.
 - ii. Articulation – Different offsets or articulation of front building elevation in compliance with Subsection (D) below.
 - iii. Variation in Roof Elevation – Different roof form or changes in roof elevation and orientation of roof line (e.g., cross-gable) or use of projections such as gables and dormers over at least twenty percent of roof elevation.
 - iv. Entry/Porch – Different configuration or design of front porch or covered primary entrance.
 - v. Fenestration – Different placement or pattern of windows and doors (must comprise at least thirty percent of front/street facing elevation).
 - vi. Height – Change in elevation of primary roof line (along the axis of the longest roofline) by not less than two feet; requires variation from building to building, or dwelling unit to dwelling unit (e.g., townhome units), as applicable.

- c. *Repeated facades.* Buildings not differentiated by at least four of the criteria listed above shall be considered a group of similar buildings for purpose of this Subsection; individually such groups shall not comprise more than twenty-five percent of the dwelling units on any block.
 - i. No single façade shall repeat more than once on the same block face. See Standards for façade variation under Subsection 17.201.070(C)(2)(b). When facades repeat on the same block face, they must have at least three intervening lots between them that meet the façade variation criteria.
 - ii. On any one block face, a mirrored façade (one that repeats but appears reversed as in a mirror) may count as two separate facades only once, so long as there is at least one intervening lot containing a different façade between the mirrored facades.
- 3. *Mix of Building Materials.* In applying the housing variety standards in Subsection (C)(2) above, the following Building Materials criteria apply. Where an applicant is requesting an adjustment to one or more requirements of Section 17.201.070, the City decision making body may require the use of specific exterior building materials, textures, patterns, and/or colors to achieve the purposes of this Code:
 - a. When a mix of building materials is selected to satisfy the façade variation standards of this Section, choose from the following: wood or wood fiber cement (lap, panel, board and batten, timber, shingle or similar siding), brick, stucco, stone and/or similar masonry. See illustrations below for suggested ways to mix building materials on any one structure. The use of stone, heavy timbers, or brick is encouraged as a detailing material for all residential development. Stone or brick may be incorporated in the facade in several ways, such as on the whole facade, trim, wainscoting, or on a partial building story.
 - b. Varying dimensions or spacing of siding and detailing may be used to create an appropriate building scale. For example, use of heavy timbers, or closer spacing or smaller dimensions of lap siding may be used around building entrances, dormers, gables and other elements, to accent those elements, while applying wider spacing or larger dimensions elsewhere.
 - c. The material(s) used on the front facade must turn the corner and appear on at least a portion of the side elevations; at least some of the siding materials used on the front façade must be used on at least fifty percent of the surface area of the sides and rear of the house; however, the same mix, patterns, and proportions of materials used on the front façade need not be used on the sides and rear elevations.

Suggested Ways to Mix Building Materials on any one Structure

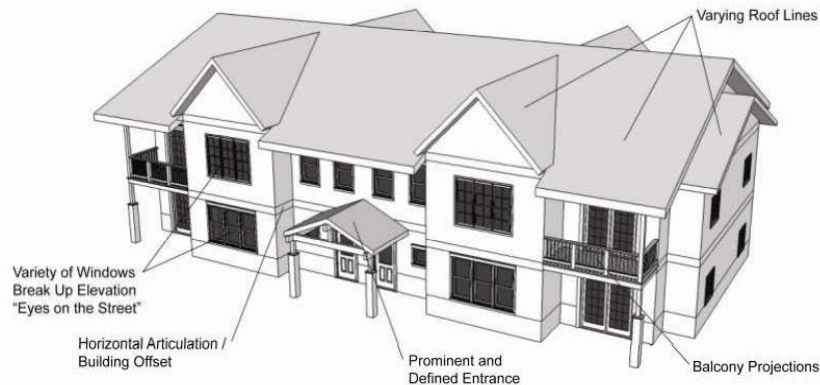


- D. Articulation.** When the front, side, or rear elevation of any structure is more than five hundred square feet in area, that elevation must be divided into distinct planes of not more than five hundred square feet. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure that projects or recedes at least one foot from the adjacent plane, for a length of at least six feet. Building offsets, bays, dormers, porch canopies and other secondary roof forms are examples of acceptable changes in plane.

The vertical mass of buildings shall be broken up through the use of architectural features such as horizontal cornices, pediments, belt courses, canopies (e.g., covered porches) and/or bellybands at least twelve inches in width across the length of the elevation. Roofs must provide offsets or breaks in roof line, with at least one break of at least one foot for every ninety lineal feet of roof line. Roof offsets, cross gables, and similar interruptions are examples of acceptable breaks in roofline on sloped roofs. On flat roofs, stepped parapets or cornices proportioned to the building elevation may be used to meet this standard.

- E. Other Building Design Standards.** Other building design standards may apply, as provided under Section 17.201.090 Special Use Standards.

Building Articulation



Building Height Bonus for Housing



Section 17.201.080 Building and Structure Height

A. Height Standards. Building and structure heights shall conform to the standards in Table 17.201.030A.

Section 17.201.090 Special Use Standards

Section 17.201.090 provides standards for the land uses and building types identified in Table 17.201.020A. The standards are intended to control the scale and compatibility of those uses within the Residential Zone. The standards in this Section are in addition to and do not replace the general development standards in Section 17.201.030(A). This Section applies to the following uses and building types:

- A. Accessory Dwelling
- B. Attached Single Family (Townhouses)
- C. Bed and Breakfast Inns
- D. Group Living (Group Care Homes and Group Care Facilities)
- E. Home-Based Businesses
- F. Manufactured Homes on Individual Lots
- G. Manufactured/Mobile Home Parks
- H. Multiple Family Housing
- I. Zero-Lot Line Housing
- J. Temporary Medical Hardship Dwellings
- K. Senior Housing
- L. Farmers' Markets
- M. Urban Agriculture
- N. Farm Animals and Bees
- A. Accessory Dwelling (attached, separate cottage, or above detached garage).** Accessory dwellings shall conform to all of the following standards:
 - 1. **Floor Area.** Accessory dwellings shall not exceed one thousand square feet of floor area, or forty percent of the primary dwelling unit floor area, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The floor area of the primary dwelling unit's garage is not included in the calculation;
 - 2. **Housing Density.** Accessory dwellings do not count for purposes of calculating allowable density in a new subdivision;
 - 3. **Oregon Structural Specialty Code.** The accessory dwelling shall comply with applicable Oregon Structural Specialty Code;
 - 4. **One Unit.** A maximum of one accessory dwelling unit is allowed per legal lot;

5. **Building Height.** The building height of a detached accessory dwelling (e.g., separate cottage) shall not exceed the height of the primary dwelling;
6. **Setbacks.** Accessory dwelling units shall conform to all applicable setbacks from property lines. A detached accessory dwelling unit shall be setback from the primary dwelling unit in accordance with applicable Uniform Fire and Oregon Structural Specialty Codes.

B. Attached Single Family (Townhouses and Rowhouses) and Duplexes.

Single-family attached housing with three or more dwellings (lots) shall comply with the standards in Subsections (B)(1) and (2), below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of any common areas.

1. **Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes.** Subdivisions, or phases of subdivisions, proposed to contain four or more consecutively attached single family dwellings on any block shall provide vehicle access to all such lots and units from an alley or interior parking court except that this requirement does not apply where the width of townhome lots is fifty feet or greater. Alleys and parking courts shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Section 17.304.020, Transportation Standards, and Chapter 17.403, Land Divisions and Property Line Adjustments. Exceptions may be granted to this standard for physically constrained sites, or when an alternative form of grouped access results in no more than one access for every four units.
2. **Common Areas.** Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas with split interest ownership) shall be owned and maintained by a homeowners association or other legal entity as approved by the City. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to Building Permit approval.

C. Bed and Breakfast Inns. Where Bed and Breakfast Inns are allowed in the Residential Zone, they shall comply with all of the following standards.

1. **Accessory Use.** The use must be accessory to a household already occupying the structure as a residence.
2. **Maximum Size.** Not more than four bedrooms for guests, and a maximum of eight guests are permitted per night. A bed and breakfast use may occupy the primary dwelling and/or not more than one lawfully established guest cottage or accessory dwelling unit.

3. **Parking.** Parking must be provided at a rate of one space per bedroom as shown in Table 17.303.020(A).
4. **Length of Stay.** Maximum length of stay is twenty-eight days per guest; anything longer is classified as a hotel or commercial lodging.
5. **Employees.** Up to two non-resident employees. There is no limit on residential employees.
6. **Food Service.** May be provided only to overnight guests of the business.
7. **Owner-Occupied.** The primary dwelling shall be owner-occupied.
8. **Signs.** Signs shall not exceed a total of four square feet of surface area on each side, not to exceed a total surface area of eight square feet.
9. **Business License.** Where a Business License is required, the Bed and Breakfast Inn owner shall maintain a current Business License.

D. Group Living (Residential Care Homes and Residential Care Facilities).

Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five or fewer individuals (“homes”) or six to fifteen individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-.670:

1. **Licensing.** All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. **Parking.** Parking shall be provided in accordance with Chapter 17.303.
3. **Site Development Review.** Site Development Review shall be required for new or remodeled structures to be used as residential care facilities to ensure compliance with the licensing, parking, landscaping, and other requirements of this Code.
4. **Business License.** Where a Business License is required, the owner shall maintain a current Business License.

E. Home-Based Business. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated in a

residence. Home based businesses are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses.

1. Three scales of home based business are allowed by this Code:
 - a. An existing business located in a home or on a residential property permitted by Clackamas County and/or operating as of the date of adoption of this Code, shall be designated a Home Based Business without the review required in the sections, below. Any change to such business must be in accordance with the standards below.
 - b. A new home based business meeting the standards in Subsections (E)(1 – 6) below, is allowed by right, provided all structures on the subject property are in conformance with the applicable zoning.
 - c. Home based businesses exceeding any of the threshold standards in Subsections (E)(1 – 6), or subject to Subsection (E)(7), may receive approval through the Home Based Business Permit procedure under Chapter 17.12.

2. Standards for Appearance of Residence.

- a. The home-based business shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home based business shall not result in any structural alterations or additions to a structure that will change its primary use or Building Code occupancy classification.
- c. The home based business shall not violate any conditions of development approval (i.e., prior Development Permit approval).
- d. No products and or equipment produced or used by the home based business may be displayed to be visible from outside any structure.

3. Standards for Storage.

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home based business shall be allowed in any structure.
- 4. **Standards for Employees.**
 - d. Other than family members residing within the dwelling located on the home based business site, there shall be no more than six full time equivalent employees at the home based business site at any given time. As used in this Chapter, the term “home based business site” means the legal lot on which the home based business is conducted.
 - e. Additional individuals may be employed by or associated with the home based business, so long as they do not report to work or pick up/deliver at the home based business site. The home based business site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
- 5. **Standards for Advertising and Signs.** Signs shall comply with all applicable sign regulations.
- 6. **Standards for Vehicles, Parking and Traffic.**
 - a. Two commercially-licensed vehicle associated with the home based business are allowed at the home based business site for every acre of land, up to a maximum number of twelve vehicles. Half of the allowed vehicles may exceed 26,000 gross vehicle weight. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home based business site. Vehicles shall not be visible from the street or neighboring properties, or shall be screened with non-opaque fencing. Streets must not have a weight restriction for access to the subject property for larger vehicles.
 - b. No vehicle may idle more than fifteen minutes or operate an auxiliary power unit, such as a refrigerated trailer, between the hours of 9:00 p.m. and 7:00 a.m.
 - c. There shall be no more than three commercial vehicle deliveries to or from the home based business site daily excluding regular U.S. Mail service. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.
 - d. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home based business site.
- 7. **Standards for Business Hours.** There shall be no restriction on business hours, except that clients or customers are permitted at the home

based business from 7:00 a.m. to 9:00 p.m. only, subject to Subsections (E)(5)(a – d) above.

8. Home Based Business Uses requiring a Home Based Business Permit regardless of compliance with Subsections (E)(1 – 6) above.

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use except that the sale of items that are incidental to a permitted home based business is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to Subsections (E)(1 – 6) above.
- c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
 - i. Ambulance service;
 - ii. Animal hospital, veterinary services, kennels or animal boarding; and
 - iii. Auto and other vehicle repair, including auto painting; and repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

9. Business License. Where a Business License is required, the owner of the home based business shall maintain the required Business License.

10. Enforcement. The Planning Authority may visit and inspect the site of a home based business in accordance with this Chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 17.104.

F. Standards for Manufactured Homes on Individual Lots. Manufactured homes located on individual lots outside of a mobile home park shall meet the following requirements.

- 1. **Construction Date.** The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of

Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards.

2. **Roof.** The manufactured home shall have a pitched roof with a slope of not less than three feet for each twelve feet in width.
3. **Roof Material.** The manufactured home shall utilize one of the following roof materials:
 - a. Tile
 - b. Shake or shingles made of fire retardant material
 - c. Composition roofing material
 - d. The predominant roofing material used on residences in the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area.
 - e. Add standing seam metal
4. **Exterior Material.** The manufactured home shall utilize one or more of the following exterior materials:
 - a. Lap siding composed of wood or other materials giving the appearance of wood
 - b. Grooved siding composed of wood or wood composites
 - c. Board and batten siding composed of wood or wood composites
 - d. Brick, brick veneer, stucco, or other masonry materials
 - e. The predominant siding material used on the front of the houses in the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area.
 - f. *Review Area.* As used herein, "review area" shall include the five nearest residences to the subject lot that are on the same street and are within two hundred fifty feet as measured from the lot line to lot line. If there are not five residences within two hundred fifty feet, only those homes within two hundred fifty feet shall be used.
 - g. *Predominant Material.* As used herein, "predominant material" shall be the material used on the majority of the residences in the review area.

If there is no majority of residences using the same material, then the material used on the largest plurality of homes in the review area shall be the predominant material.

5. **Garage or Carport.** If the immediate surrounding dwellings have garages or carports, then the manufactured home shall have a garage or carport, and such garage or carport shall be constructed of like materials commonly used on residential dwellings within the community.
 6. **Lot Development Standards.** The manufactured home shall meet all applicable development standards, such as setbacks and height limitations.
- G. Manufactured/Mobile Home Parks.** Manufactured/mobile home parks are permitted in the Residential Zones on parcels of one acre or larger, subject to compliance with Subsections (G)(1 - 5)below:
1. **Permitted Uses.** Single family residences, manufactured home park manager's office, home based businesses, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance). A recreational vehicle may be permitted in a City-approved mobile home park or manufactured home park where the vehicle is connected to an electrical utility and City sewer and water systems, in accordance with ORS 197.493.
 2. **Space.** The minimum size pad or space for each dwelling is two thousand five hundred square feet, provided that the overall density of the park does not exceed twelve units per acre. Each space shall be at least thirty feet wide and forty feet long, in accordance with ORS 446.100(c).
 3. **Setbacks and Building Separation.** The minimum setback between park structures and abutting properties is five feet. The minimum setback between park structures and public street right-of-way is fifteen feet. At least a ten foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of fourteen feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six feet to any other structure or dwelling, except that a double carport or garage may be built which serves two dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet.
 4. **Perimeter Landscaping.** When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a ten foot wide landscape buffer

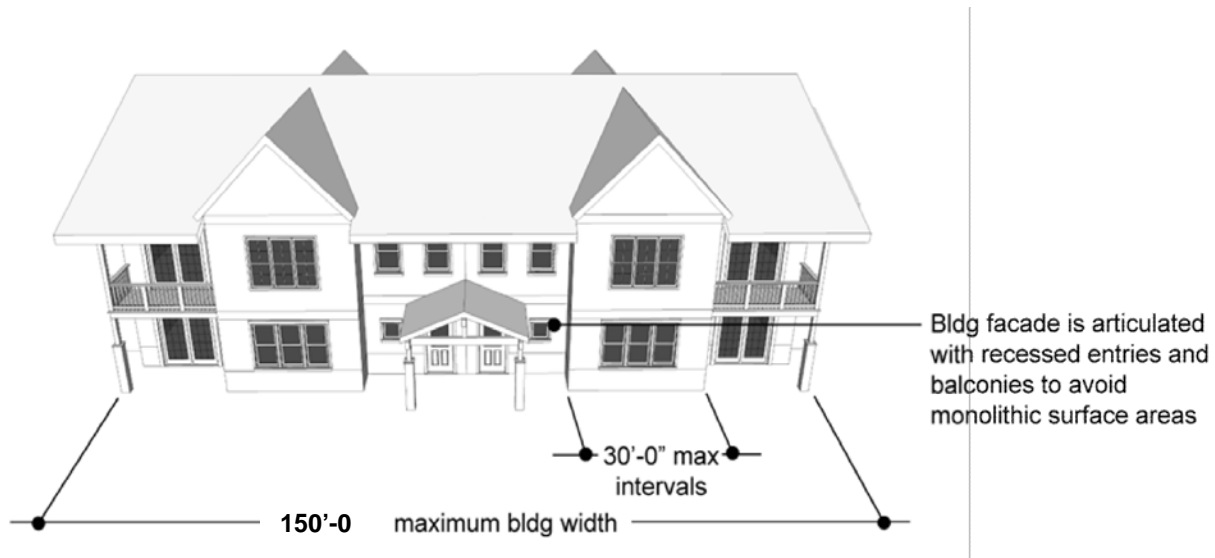
between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

5. **Dwelling Design (for parks smaller than three acres).** Manufactured dwellings in parks smaller than three acres shall additionally meet the design standards in Subsections (G)(5)(a – b), below, consistent with ORS 197.314(6):
 - a. The manufactured dwelling shall have a pitched roof with a slope not less than three feet in height for each twelve feet in width; and
 - b. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
6. *Exception:* Subsections (G)(5)(a – b), above, do not apply to lawfully established manufactured dwellings existing within the City prior to **effective date of Code**. The standards do apply to new or replacement dwellings, including those relocated from one park to another.

H. Multiple Family Housing. Where multiple family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. The standards of Subsection 17.201.090(G) may be adjusted through Site Design Review pursuant to Chapter 17.401 Multiple Family Housing Figure provides a conceptual illustration of the requirements listed below.

1. **Building Mass.** The maximum width or length of a multiple family building shall not exceed one hundred fifty feet from end-wall to end-wall, not including outdoor living areas. (e.g., porches, balconies, patios, and similar unenclosed spaces). Buildings shall avoid monolithic facades by including architectural elements such as bay windows, recessed entrances, changes in materials, or other articulation so as to provide pedestrian scale to the ground floor at no more than thirty foot intervals.

Multiple Family Housing

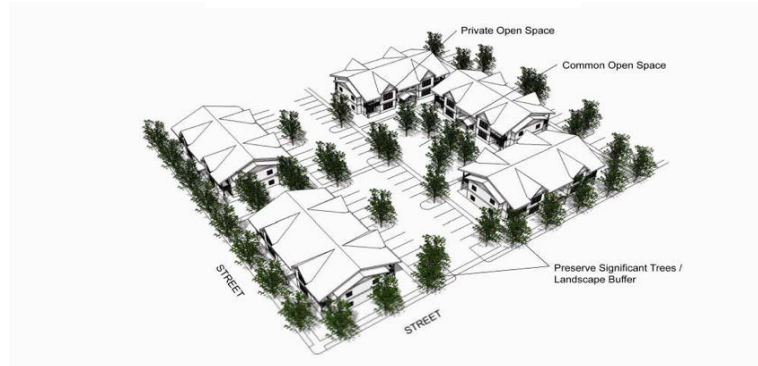


2. **Common Open Space.** Common open space shall be provided in all multiple family developments as required under Subsection 17.201.040 (15% of gross site area) and in accordance with all of the following criteria:
 - a. The multiple family development shall contain one or more of the following: outdoor recreation area, protection of natural features (e.g., trees preserved), play fields, garden plots, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents. The property owner or developer shall have discretion to determine the appropriate type of open space based on the characteristics of the site and impacts of the proposed use.
 - b. Historic buildings or landmarks that are to be preserved in accordance with the requirements of the State Historic Preservation Office may count toward meeting the common open space requirements.
 - c. Where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets, such area may count toward fulfilling up to twenty percent of required common open space; however, parking area required landscaping buffers shall count towards required open space;
 - d. The Planning Authority may waive the common open space or park option in a multiple family project that is located within one-quarter mile (measured walking distance) of a public park, where there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted walkway connecting the site to the park. If the park is not developed, or only partially developed, the Planning Authority may accept

improvements to park land in an amount comparable to that which would otherwise be required and waive the on-site common open space or park requirement.

3. **Private Open Space.** Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:

- a. A minimum of forty percent of all ground-floor housing units shall have front or rear patios or decks measuring at least forty-eight square feet.



Ground-floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping);

- b. A minimum of forty percent of all upper-floor housing units shall have balconies or porches measuring at least forty-eight square feet. Upper-floor housing means housing units that are more than five feet above the finished grade; and
- c. Areas used to fulfill the common open space requirements of this section shall not be used to fulfill the private open space requirement except as is approved by the Planning Authority.

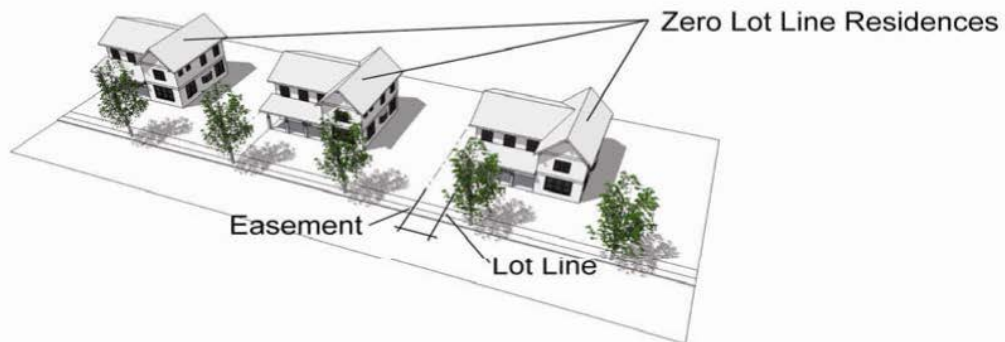
4. **Trash Receptacles.** Trash receptacles, including sorting and storage of trash and recyclables, shall be oriented away from building entrances, setback at least ten feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid enclosure of not less than six feet in height. Receptacles shall be accessible to trash pick-up trucks.

- I. **Zero-Lot Line Housing.** Zero-lot line houses are subject to the same standards as other non-attached single family housing, except that a side yard setback is not required on one side of the lot, as generally shown in Zero Lot Line Housing Figure. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. All zero-lot line houses shall conform to all of the criteria in Subsections (I)(1 – 4) below:

1. **Site Design Review Required.** Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).
2. **Setbacks for Primary and Accessory Structures.** The allowance of a zero side yard setback is for one single family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone;
3. **Setbacks Adjacent to Non-Zero Lot Line Development.** When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than ten feet;
4. **Building orientation and design.** The building placement and/or design shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of windows on the zero lot line, or other designs approved by the decision making body through Site Design Review; and
5. **Construction and maintenance easement.** Prior to Building Permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not preclude the adjoining owner from landscaping the easement area with turf or other ground cover plants.

Zero Lot Line Housing

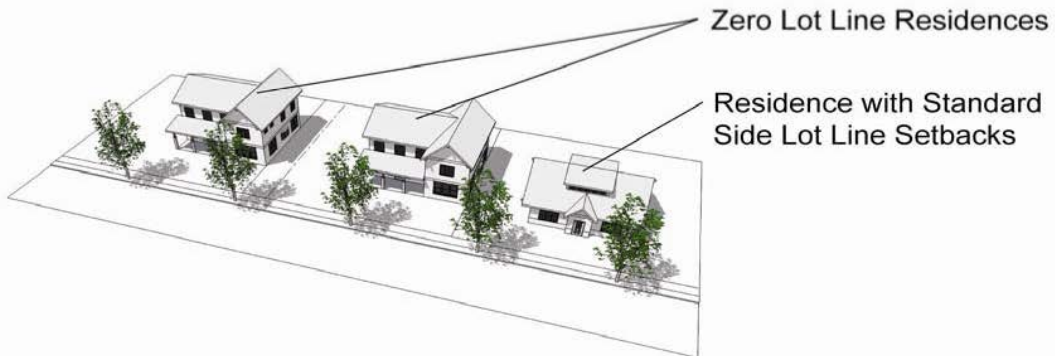
Allowed Use of Zero Lot Line



Zero Lot Line Residences

Residence with Standard Side Lot Line Setbacks

Prohibited Use of Zero Lot Line



Zero Lot Line Residences

Residence with Standard Side Lot Line Setbacks

J. Temporary Medical Hardship Dwellings.

1. A temporary medical hardship dwelling must meet the following requirements:
 - a. The medical hardship dwelling must meet the applicable development standards of the zone where it is installed including applicable setbacks from property lines.
 - b. The temporary hardship dwelling must either be occupied by someone who will care for the resident of the subject property, or it may be occupied by a relative of the resident when the relative has the medical hardship and the resident of the property will be the caregiver. (Relative is defined as a parent, child, grandparent, grandchild, brother, or sister of the existing resident.)
 - c. The temporary hardship dwelling must use the same subsurface sewage disposal system as the existing dwelling, provided that the system is adequate to accommodate the additional dwelling. If on an existing septic system, the system will need to be inspected and approved by a County Sanitarian.
 - d. The application must include a written statement from the patient's primary care medical doctor (MD) or osteopath (DO). The statements must be on the doctor's stationery or stamped by their office. The statement must state the hardship.
 - e. The permit authorizing the temporary hardship dwelling must be renewed every two years. In order to renew the temporary hardship permit, a letter from a doctor stating that the hardship still exists must be submitted to the Department, along with the renewal fee.
 - f. Within six months of the end of the hardship, the manufactured dwelling, recreational vehicle, or travel trailer must be removed from the property or demolished. In the case of an existing building which has been converted for temporary residential use, the building must be removed, demolished or returned to an allowed use.
 - g. The temporary dwelling must comply with applicable fire safety standards.
2. A Temporary Medical Hardship Dwelling Permit is obtained through a Type I Land Use Review, in accordance with Section 17.401. The application must include the following information:
 - a. A site plan, drawn to scale, showing property lines, existing streets and driveways, existing and proposed buildings, including distances to

property lines, location of any existing wells and/or septic systems, location of any physical features on the parcel such as streams, irrigation ditches, steep slopes, etc. must be submitted with the application.

- b. The Planning Authority will review the application to determine whether it conforms to the approval criteria listed above. If approved, a Manufactured Dwelling Installation Permit must be obtained from Clackamas County. If the hardship dwelling is to be a recreational vehicle or travel trailer, applicable sewage disposal requirements shall be met.

K. Senior Housing.

1. **Establishment of senior housing.** Senior housing facilities are permitted in the NL, NM, V, E and C zones in accordance with these standards.
2. **Density standards.** No maximum density.
3. **Development standards.** The development standards for senior housing shall be in compliance with the standards of the underlying zone except:
 - a. Maximum height shall be forty feet (three stories) in the NL and NM zones and sixty-four feet (five stories) in the V and C zones
 - b. **Parking.** See Chapter 17.303
4. **Additional requirements.** All complexes shall have a minimum of fifteen square feet of community space for social and recreational opportunities per occupant, based on one person per bedroom. Community space may include but not limited to:
 - a. Common rooms for social activities, recreation, media and libraries
 - b. **Congregate dining facilities.** Complexes with or without kitchen facilities in each unit may include facilities providing regular daily meals for residents.
5. **Commercial Uses.** Commercial uses open to the public, as permitted or permitted by conditional use permit in the Neighborhood Commercial (NC) zone, are similarly permitted as part of a Senior Housing development. No more than 20% of the total gross floor square footage of all buildings may be used for commercial use.

L. Farmers' Market

1. Farmers' markets, as defined in Section 17.102, are a Conditional Use in the following zones (Table 17.201.020A): Legacy Neighborhood (LN), Neighborhood Low (NL), and Neighborhood Medium (NM). Farmers' markets are allowed outright on a site containing an institutional use (i.e. church, school, hospital) in LN, NL and NM zones.
2. Farmers' markets are a permitted use with standards in the Center (C), Village (V), Neighborhood Commercial (NC), Employment (E), and Industrial (I), subject to the following:
 - a. In the LN, NL and NM zones a farmers' market may be open up to one hundred thirty days per calendar year.
 - b. In all other zones (C, V, NC, E, I), the farmers' market may be open year round.
3. **General standards.**
 - a. All farmers' markets and their vendors comply with all Federal, State, and municipal laws, regulations and ordinances relating to vending, operation, use, and enjoyment of the market premises and protection of surrounding properties;
 - b. All farmers' markets and vendors must have any required health permits, such as a Food Handler's card, and the permits (or copies thereof) shall be in the possession of the farmers' market manager or the vendor, as applicable, on the site of the farmers' market during all hours of operation;
 - c. All farmers' markets have an established set of operating rules addressing the governance structure of the farmers' market, hours of operation, maintenance and security requirements and responsibilities; and appointment of a market manager.
 - d. All farmers' market have a market manager or his or her designee authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.
 - e. Operating hours are limited to anytime between 7:00 a.m. and 9:00 p.m., unless otherwise approved through the conditional use process. These hours include setup and breakdown time for the market.
 - f. All booths, sanitary facilities, generators and parking areas are setback from adjacent and abutting residential property lines at least twenty feet. All entertainment stages shall be set back at least forty

feet from adjacent and abutting residential property lines and speakers must be oriented away from abutting homes.

- g. The market shall be accessible in accordance with the most current Americans with Disabilities Act (ADA) Design Standards, if a site or building is required to comply. Alternative compliance methods may be used per ADA.
 - h. All signs shall comply with applicable standards in Chapter 17.305.
- 4. **Accessory uses.** Accessory uses at a farmers' market may include prepared food sales, entertainment stages, parking, sanitation facilities, canopies, tastings, cooking or other like demonstrations.
 - 5. **Exceptions.** Events that do not meet the definition or criteria for a farmers' market will be considered Retail Sales and Service.

M. Urban Agriculture.

- 1. Urban agriculture and farm use are governed by this Code Section.
- 2. Farms and farm use and their accessory structures lawfully established prior to **effective date of Code** may continue pursuant to Chapter 17.407 Non-Conforming Uses and Developments, and ORS 30.930-30.947, as amended.
- 3. The regulations of this Section apply to Market and Community Gardens.
 - a. Animal coops, enclosures or barns shall be set back at least twenty-five feet from adjacent residential property lines.
 - b. Fences are regulated by the underlying zone standards.
 - c. Composting shall be conducted in a manner that controls odor, prevents infestation and minimizes run-off into waterways and onto adjacent properties. Composting may not be conducted for sale unless permitted by the underlying zoning.
 - d. No composted yard debris or animal waste shall be located or stored within a ten foot setback from adjacent or abutting property lines.
 - e. Any pesticide or herbicide use is limited to that approved for household residential use. Application of sprayed chemicals shall use methods to prevent drift onto neighboring properties, and shall be contained.
 - f. Signs standards are found in Chapter 17.305.

- g. In NL, LN and NM residential zones on-site sales are allowed as accessory to the use, and the following regulations apply:
- i. No on-site parking is required;
 - ii. Exterior display is allowed;
 - iii. Only food, crops and value-added products made from produce or animals grown on-site, such as eggs, jams, jellies and pickles, may be sold;
 - iv. Sales or distribution are allowed only between 7 a.m. and 7 p.m.; and, off-site sales;
 - v. Off-site sales are not limited by the regulations of this Chapter.

N. Animals and Bees.

1. This Section applies to animals and bees in all zones.
2. This Section does not apply to domestic pets such as dogs, cats, hamsters, ferrets, or the like, typically kept in a home.
3. **Small size animals.** The keeping of chickens, ducks, geese, turkeys, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations.
 - a. *Number.* No more than one such animal shall be kept for each two hundred square feet of land area devoted to the animals. Limited to ten animals, with more animals allowed subject to Conditional Use Permit,
 - b. No roosters shall be kept within the City limits unless the site is over five acres or subject to 17.201.120(O)(2) Right-to-Farm laws.
 - c. *Setbacks.* The coops or cages housing such animals shall not be located within twenty-five feet of a side or rear yard line abutting residentially zoned property.
 - d. *Prohibitions.* No birds raised for fighting may be kept on any property under the regulations of this Section.
 - e. *Coops and Cages.* All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles.
 - f. *Enclosures and Fences.* Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to

contain the birds on the property and to prevent access by dogs and other predators and providing at least ten square feet of area for each bird.

- 4. Medium size animals.** The keeping of goats, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations:

 - a. No more than one such animal shall be kept for each four thousand square feet of land area. Stables or other enclosures for such animals shall be set back at least twenty feet from any street, and at least twenty-five feet from any rear or side yard property line.
 - b. All animals shall be provided with a covered, predator-proof shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles.
- 5. Large size animals.** The keeping of horses, cows, alpacas, llamas, pigs, and similar farm animals, and barns, stables, and enclosures for the keeping of such animals, shall be governed by the following regulations in all zones:

 - a. No more than one such animal shall be kept for each two acres of grazing land area.
 - b. Stables or other enclosures for such animals shall be set back at least twenty feet from any street, at least twenty-five feet from any residential property line.
 - c. All animals shall be provided with a covered, predator-proof shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles.
- 6. Wild animals.** Undomesticated wild game animals are not permitted to be kept in captivity in any zones without an applicable, approved Federal, State or County permit.
- 7. Bees.** The keeping of bees, and associated beehives, shall be governed by the following regulations:

 - a. **Number.** No more than one beehive shall be kept for each one thousand square feet of unbuilt lot area.

- b. **Locations and setbacks.** No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- c. **Fences and shrubs.** A solid fence or dense hedge, known as a “flyway barrier,” at least six feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five feet of the hive and shall extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five feet from all property lines and for beehives that are located on porches or balconies at least ten feet above grade, except if such porch or balcony is located less than five feet from a property line.
- d. **Water supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- e. **Prohibitions.** No Africanized bees may be kept on a property under the regulations of this Section.

Chapter 17.202**MIXED USE ZONES****Sections**

Section 17.202.010 Purpose and Applicability

Section 17.202.020 Allowed Land Uses and Building Types

Section 17.202.030 General Development Standards

Section 17.202.040 Exceptions to General Development Standards

Section 17.202.050 Lot Coverage and Open Space Dedication

**Section 17.202.060 Building Orientation; Large-Format Commercial;
Commercial Blocks**

Section 17.202.070 Building and Structure Height

Section 17.202.080 Architectural Design Standards

Section 17.202.090 Civic Space and Pedestrian Amenities

Section 17.202.100 Drive-up and Drive-through Uses and Facilities

Section 17.202.110 Food Vending

Section 17.202.010 Purpose and Applicability**A. Purpose**

Chapter 17.202 provides Commercial and Mixed Use Zones to accommodate the range of commercial, civic, recreational, and medium- to high-density residential land uses in the community.

1. **Overall Intent.** The zones are intended to:
 - a. Promote efficient use of land and urban services;
 - b. Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
 - c. Provide community gathering places and encourage opportunities for walking, shopping and socialization;
 - d. Ensure that new development is consistent with the Core Values and fits the rural small town character of Damascus;
 - e. Integrate land use, urban design, and transportation to create places that accommodate multiple modes of transportation, including walking, bicycling, and transit;
 - f. Provide connections to and appropriate transitions between centers, corridors, and neighborhoods;

- g. Provide appropriate design standards for developments;
- h. Provide for visitor accommodations and tourist amenities; and
- i. Reduce reliance on the automobile and minimize the need for off-street parking.

2. Purpose of Individual Zones

- a. The Center Zone (C) serves as the commercial and civic core of the community. It represents opportunities for mixed-use development, with a variety of commercial and office uses, and high-density housing. The Center also represents opportunities for civic facilities.
- b. The Village Zone (V) serve as urban focal points or centers within designated areas. They represent opportunities for a mix of community-oriented businesses such as grocery stores, restaurants, and other small-scale services with higher-density housing and mixed-use development.
- c. The Neighborhood Commercial Zone (NC) provides neighborhood goods and services at a smaller scale than the Village Zone and is focused at designated arterial and collector crossroad locations. But also allowed at other locations on the same arterials and collectors.

3. **Applicability.** The land use zones are as designated on the City of Damascus Zoning Map. Changes to the Zoning Map are applied in accordance with the policies and Land Use Map contained in the City of Damascus Comprehensive Plan. See Table 17.202.020A Allowed Land Uses and Building Types. This Table identifies the land uses that are allowed in the Mixed Use Zones. The specific land use categories are described and uses are defined in Chapter 17.102.

Section 17.202.020 Allowed Land Uses and Building Types

Table 17.202.020A – Land Uses and Building Types Allowed in Mixed Use Zones Neighborhood Commercial (NC), Village (V), Center (C) Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A = Not applicable				
Land Uses and Building Types	Status of Use in Zone			
See Chapter 17.102 – Definitions.	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>	<i>Related Special Use Standards</i>
Building Types				
Store/Shop/Dining/	P	P	P	Maximum ground floor area of fifty thousand square feet in V and C and ten thousand square feet in NC. For buildings with greater than fifty thousand square feet ground floor area, see Section 17.202.060
Food Carts-mobile, Food Carts-vending	P*	P*	P*	
Farmers' Market, See 2.1.090(N)	P*	P*	P*	
Office Building	P	P	P	
Mixed-Use Building	P	P	P	
Automotive Services Building	CU*	CU*	CU*	
Large-Format Commercial (gross floor area exceeds fifty thousand square feet)	N	P*	P*	
Parking Structures (other than for dwellings which are allowed as accessory to residential)	CU*	CU*	P	
Residential Categories				
Residential (Household Living and Group Living) allowed, if:				Residential buildings must conform to the Special Use and Architectural Standards contained in Sections 17.202.080 and 17.202.090, as applicable.
Dwelling lawfully existing in its current location as of effective date of Code (may be rebuilt in the event of involuntary damage or destruction due to fire or other event beyond owner's control); or	P	P	P	
New dwelling built in conjunction with a permitted commercial use, above	P	P	P	Senior Housing Special Use

Table 17.202.020A – Land Uses and Building Types Allowed in Mixed Use Zones Neighborhood Commercial (NC), Village (V), Center (C) Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A = Not applicable				
Land Uses and Building Types	Status of Use in Zone			
See Chapter 17.102 – Definitions.	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>	<i>Related Special Use Standards</i>
ground floor commercial space				Standards contained in Section 2.1.090 (K)
New dwelling on the ground floor or not in conjunction with a permitted commercial use – twelve or more units per acre	P*	P*	P*	
New dwelling not in conjunction with a permitted commercial use – less than twelve units per acre	N	P*	N	
Senior Housing	P*	P*	P*	
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	CU*	P*	P*	Section 17.202.100
Transient Lodging, including hotel, motel, bed and breakfast inn, and similar uses; excluding recreational vehicle park	CU	P	P	
Educational Services, Commercial	P	P	P	
Entertainment, Major Event	CU	CU	CU	
Offices	P	P	P	
Outdoor Recreation, Commercial	CU	CU	CU	

Table 17.202.020A – Land Uses and Building Types Allowed in Mixed Use Zones Neighborhood Commercial (NC), Village (V), Center (C) Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A = Not applicable				
Land Uses and Building Types	Status of Use in Zone			
See Chapter 17.102 – Definitions.	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>	<i>Related Special Use Standards</i>
Parking Lot (as a primary use and not a recreational vehicle park)	CU	CU	CU	
Vehicle Service or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	CU	CU	CU	Section 17.202.100 applies to uses with drive-up/drive-in/drive-through facilities
Urban agriculture	P*	P*	P*	See 2.1.090(M)
Retail Sales and Service:				Section 17.202.100 applies to uses with drive-up/drive-in/drive-through facilities.
Primary use enclosed in building (allows ten percent of sales/service area outside)	P	P	P	
Primary use not enclosed in building	CU	CU	CU	
Farmers' markets	P	P	P	
Recreational Vehicle Park (three or more RVs), except existing use may be grandfathered under Section 17.407 Non-Conforming Situations	N	N	N	

Table 17.202.020A – Land Uses and Building Types Allowed in Mixed Use Zones Neighborhood Commercial (NC), Village (V), Center (C) Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A = Not applicable				
Land Uses and Building Types	Status of Use in Zone			
See Chapter 17.102 – Definitions.	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>	<i>Related Special Use Standards</i>
Industrial Categories				
Industrial Service: Fully enclosed (e.g. similar to office): Tier 1: Tier 2: Tier 3: Not enclosed (e.g with some outdoor storage or activity)	 P N N N	 P P N N	 P P N N	Use must be equal to or less than five thousand square feet in the NC zone; and equal to or less than seven thousand five hundred square feet in the V and C zones.
Manufacturing and Production: Fully enclosed Tier 1 Tier 2 Tier 3 Not enclosed and not accessory to Retail Sales	 P N N N	 P P N N	 P N N N	Use must be equal to or less than five thousand square feet in the NC zone; and equal to or less than seven thousand five hundred square feet in the V and C zones.
Self-Service Storage not accessory to a primary permitted use	N	N	N	
Warehouse and Freight Movement when not accessory to a primary permitted use	N	N	N	
Waste-Related, when not accessory to a primary permitted use (e.g., trash and recycling storage and sorting)	N	N	N	

Table 17.202.020A – Land Uses and Building Types Allowed in Mixed Use Zones Neighborhood Commercial (NC), Village (V), Center (C) Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A = Not applicable				
Land Uses and Building Types	Status of Use in Zone			
See Chapter 17.102 – Definitions.	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>	<i>Related Special Use Standards</i>
Wholesale Sales				
Primary use enclosed in building (allows 10% of sales area outside)	CU	P	P	
Primary use not enclosed in building	N	CU	CU	
Institutional Categories				
Basic Utilities when not accessory to a primary permitted use	CU	CU	CU	
Community Service; Government, except drive-up facilities or uses	CU	CU	CU	
Clubs and lodges	CU	CU	CU	
Public and quasi-public buildings where public is received	P	P	P	
Other Community Services	CU	CU	CU	
Daycare, adult or child day care; not Family Daycare under ORS 657A.250	CU	CU	CU	

Table 17.202.020A – Land Uses and Building Types Allowed in Mixed Use Zones Neighborhood Commercial (NC), Village (V), Center (C) Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A = Not applicable				
Land Uses and Building Types	Status of Use in Zone			
See Chapter 17.102 – Definitions.	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>	<i>Related Special Use Standards</i>
Parks, Open Space, and Common Areas				Areas created under Section 17.202.050 are subject to Chapter 17.309 standards.
Pedestrian amenities (e.g., plaza or outdoor seating, subject to Site Design Review)	P	P	P	
Parks and recreation facilities	CU	CU	CU	
Other open space when not accessory to a primary permitted use	CU	CU	CU	
Religious Institutions and Houses of Worship	P	P	P	
Schools, primary or secondary	CU	CU	CU	
Other Use Categories				
Accessory Structures (with a permitted use)	P	P	P	
Radio Frequency Transmission Facilities when not accessory to a primary permitted use	CU	CU	CU	
Utility Corridors when not accessory to a primary permitted use	CU	CU	CU	
Temporary Uses when not accessory to a primary permitted use	P/CU	P/CU	P/CU	Only those uses designated as P or CU are allowed and may be permitted, per Chapter 17.411.
Transportation Facilities: See Section 17.101.110.				

Table 17.202.020A – Land Uses and Building Types Allowed in Mixed Use Zones Neighborhood Commercial (NC), Village (V), Center (C) <i>Key: P = Permitted, subject to site development review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N = Not permitted; N/A = Not applicable</i>				
Land Uses and Building Types	Status of Use in Zone			
See Chapter 17.102 – Definitions.	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>	<i>Related Special Use Standards</i>
Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws.				

Section 17.202.030 General Development Standards

The development standards in Table 17.202.030A apply to all new structures, buildings, and development, and major remodels, in the Mixed Use Districts.

Table 17.202.030A – Development Standards for Commercial and Mixed Use Zones			
Standard	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>
Minimum Lot Area* (*Development must conform to lot width, depth, yard setback, landscaping, and coverage standards.)	5,000 square foot minimum; Except 2,000 square feet for first dwelling, plus 1,500 square feet for each additional dwelling unit		
Minimum Lot Width/Depth	20 feet		
Building/Structure Height*			
Maximum Building Height	40 feet	40 feet	64 feet
Maximum Building Height for mixed-use projects (residential above commercial). See Section 17.202.070(A)	64 feet	64 feet	100 feet
First Floor Minimum Ceiling Height for Mixed Use Projects	10 feet		

Table 17.202.030A – Development Standards for Commercial and Mixed Use Zones			
Standard	<i>Neighborhood Commercial (NC)</i>	<i>Village (V)</i>	<i>Center (C)</i>
Fences and Screening Walls (See also Sections.17.301.020(L), Vision Clearance; and 17.302.050, Fences and Walls)	Allowed for screening and security only. Some fences and walls may be subject to Site Design Review when they exceed the height standards that are prescribed in Section 17.302.050.		
Lot Coverage: Maximum Lot Coverage by all roofs subject to civic space, landscaping, parking, and other Code requirements, as applicable	100%	100%	100%
Minimum Setbacks			
Front, Street, Side, and Rear property lines, except as otherwise required for Civic Space, for future street improvement (per Transportation System Plan), for utilities or clear vision at street intersection, or as required by other applicable codes; and a minimum setback of twenty feet is required from property lines abutting a Residential Zone	0 feet		
Garage Opening, setback from public right-of-way	20 feet (no parking/backing movement by vehicles)		
Alley Setback	0 feet		

Table 17.202.030A – Development Standards for Commercial and Mixed Use Zones			
Standard	Neighborhood Commercial (NC)	Village (V)	Center (C)
Build-To Line			
New Buildings Only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of- way. See also Section 17.202.090. The build to line may also be increased due to existing and required easements and site constraints that prohibit locating a building or primary entrance at the build to line.	10 feet May be increased by the decision making body for projects abutting a Residential Zone to match minimum setbacks of the Residential Zone; may also be increased for sites with multiple buildings where buildings are oriented to a shopping street, per Section 17.202.060(C).	0 feet May be increased when civic space is provided between a primary building entrance and street.	

Section 17.202.040 Exceptions to General Development Standards

A. Zero Setbacks and Build-To Line – Purpose; Fire Code; and Clear Vision.

Zero setbacks and build-to lines, as provided in Table 17.202.030A, are intended to encourage pedestrian-oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Section 17.301.020(L) and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements).

B. Setback Yards – Reverse Frontage Lots. Buildings on reverse-frontage lots (through lots) shall be required to meet the build-to line standard on only one

street. Reverse frontage lots are subject to the landscape buffer requirements in Chapter 17.302.030 Landscaping.

- C. Setback Yards – Exceptions.** Where existing lawfully established buildings have yard setbacks that are less than the minimum standards of this Code, they are allowed to remain as legal, non-conforming structures.

Section 17.202.050 Lot Coverage

- A. Lot Coverage.** The maximum allowable lot coverage shall be as provided in Table 17.202.030A. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings. Other impervious surfaces are regulated by the City's Stormwater Management standards.

Section 17.202.060 Building Orientation; Large-Format Commercial; Commercial Blocks

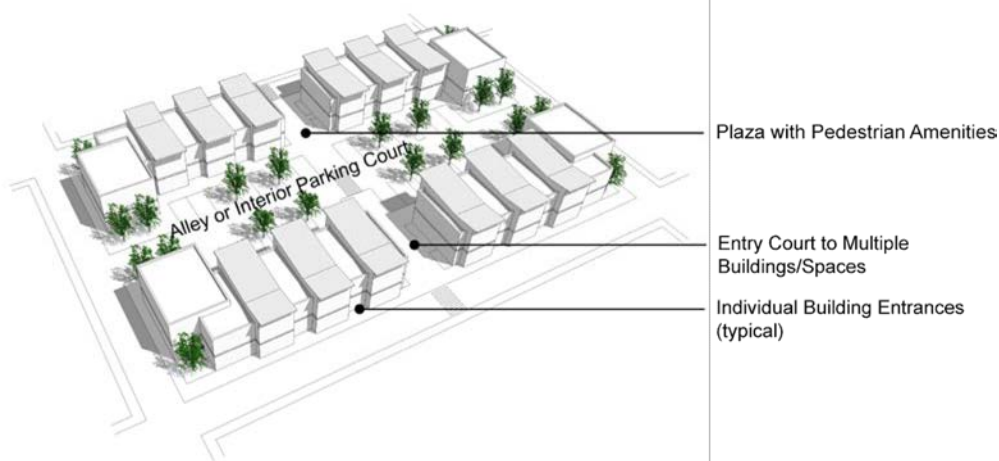
- A. Purpose.** Section 17.202.060 orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged, to improve the aesthetic quality of commercial zones, and to discourage automobile-oriented development. Placing commercial storefronts, residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. Applicability.** Section 17.202.060 applies to commercial projects that are subject to Site Design Review or Land Division Review, including Planned Developments.
- C. Building Orientation Standards.** Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Building Orientation Figure. This standard is met when all of the following criteria are met:
1. Compliance with the setback and build-to line standards in Table 17.202.030A, where applicable. The build-to line may be setback to provide pedestrian amenities between a building and its adjoining street;
 2. Except as provided in Subsections 17.202.060(C)(4) and (5), below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within forty-five degrees of the street property line), or if the building entrance is turned more than forty-five degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be farther from a street sidewalk than the build-to line, except where pedestrian amenities are provided, in which case a walkway shall connect the primary entrance to the sidewalk.

Building Orientation



Off-street parking, trash pick-up, and above ground utilities (e.g., utility vaults) shall not be placed between building entrances and the street(s) to which they are oriented, but shall be oriented internally to the block and accessed by alleys to the extent practicable. Off-street parking shall be oriented internally to the site to the extent practicable, and shall be divided by landscape areas into bays of not more than ten parking spaces per bay, as generally shown in Building Orientation with Internal Parking Figure; incidental breaks in the building wall to accommodate pedestrian and vehicle access into the block is permitted. Exceptions to alley access provision are allowed where no system of alleys exist and where extension of alleys is precluded by existing development.

Building Orientation with Internal Parking



3. The building orientation standard may be adjusted through a Type II Site Design Review with vehicle areas allowed between the street right-of-way and a building's primary entrance when the decision making body finds that the following criteria are met:
 - a. Placing vehicle areas between the street right-of-way and building's primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;
 - b. The proposed vehicle areas are limited to one driveway of not more than twenty four feet in width with not more than one row of parking spaces on both sides of the drive aisle (including ADA accessible spaces), divided by landscape areas into bays of not more than eight parking spaces each. The intent is to create a drive aisle that is street-like, and break up parking into small bays with landscaping;
 - c. The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 17.301.030;
 - d. Where development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to plaza, courtyard, or similar pedestrian space containing pedestrian amenities, or to an internal parking lot separated from the entrance by a wide sidewalk or plaza with pedestrian amenities, subject to Site Design Review. When oriented in this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 17.301.030.
4. New retail, office, multi-family and institutional buildings located at a major transit stop shall locate the primary building within twenty feet of one of the following. A primary building entrance shall also be facing one of the following:
 - a. The transit stop
 - b. The transit street or intersection with the transit street
 - c. A pedestrian plaza at the transit stop or intersection
 - d. Other orientation deemed appropriate by the reviewing authority.

Section 17.202.070 Building and Structure Height

- A. Height Standards.** Building and structure heights shall conform to the standards in Table 17.202.030A.

Shopping Street Example



Section 17.202.080 Architectural Design Standards

A. Purpose. Section 17.202.080 is intended to support the development of traditional downtown, village commercial, and mixed use commercial areas with architecture that responds to Damascus's rural surroundings and agricultural heritage. Because very little of Damascus's history is preserved in commercial buildings, the following standards draw on the available architectural vocabulary while allowing a contemporary interpretation of rural building forms and styles.

It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and remodels fit within the context of their rural surroundings and support the creation of compact, walkable districts, while encouraging advances in building design that support sustainability. The key elements of mixed use district building design are summarized as follows:

1. Draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable.
2. Create a sense of street enclosure with appropriate building heights and detailing that express a pedestrian-scale.
3. Address differences in scale between the Center, Village, and Neighborhood Commercial areas.
4. Transition building height between mixed use zones and adjacent residential neighborhoods.

5. Require the use of contextually appropriate materials, textures and colors.
6. Promote a storefront character (windows, pedestrian shelter, furnishings, etc.) within designated mixed use areas.
7. Encourage a diversity of building facades and rooflines that fall into a consistent rhythm.
8. Promote corner lots as focal points with furnishings and public art.
9. Frame significant (scenic) views, as identified by the Comprehensive Plan, by articulating buildings and varying rooflines.

B. Applicability. These standards apply to all new buildings in mixed use zones when subject to Site Design Review or Planned Development review. The standards of Section 17.202.080 are applied through Type II Design Review;. Project proposals involving a building height increase under Section 17.202.070 are subject to Type III Design Review. See Section 17.401.040.

C. Building Design Standards

1. **Height.** Maximum building height shall conform to the standards of the applicable zone.
2. **Build-to line.** Commercial buildings, including mixed-use buildings containing residential and commercial uses, shall conform to the Build-to Line standards in Section 17.202.030. The standard is met when at least fifty percent of the abutting street frontage has a building placed no farther from at least one street property line than the required Build-to Line in Table 17.202.030A. An exception to the Build-to-Line may be approved or required in the following situations:
 - a. Where a proposed building is adjacent to a single family dwelling.
 - b. Where the sidewalk width is extended for public use, or a public plaza is proposed to be placed between the building and public right-of-way, subject to Site-Design Review. Exceptions may also be made for planter boxes incorporated into the building wall, provided the planter box does not exceed a height of thirty inches above sidewalk grade.
 - c. Where a significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
 - d. Where a public utility easement or similar restricting legal conditions make conformance with the Build-to Line impracticable, the building

shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location.

- e. Where an existing building was lawfully created but does not conform to the above standard, it shall be allowed to continue under the non-conforming use provisions of this Title.

D. All Facades. Architectural designs shall address all four sides of a building; building forms, detailing, materials, textures, and color shall contribute to a unified design with architectural integrity.

E. Storefront Character.

- 1. **Transparency along ground level.** Except as approved for parking structures or accessory structures, buildings shall provide display windows, windowed doors and transom windows to express a storefront character.

All ground floor elevations that face a public street, public parking lot, park or common open space, shall comprise at least sixty percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or thirty inches above the sidewalk grade, whichever is less) and a plane seventy-two inches above the sidewalk grade.

Upper floors may have less window area, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices.

Exceptions to the elevations described above (thirty to seventy-two inches above sidewalk) may be approved where existing topography makes compliance impractical or as otherwise approved by a Type III Review. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale). Additional exceptions may be approved by the Planning Authority or by a type three review.

- 2. **Ground floor windows.** Ground floor elevations must contain windows that are framed, for example, by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base).
 - a. Vacant storefront windows shall contain a display of art or other visually engaging feature that provides a focal point in the window space.
- 3. **Upper floor windows.** Upper floor window orientation shall primarily be

vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

4. **Window trim.** At a minimum, windows shall contain trim, reveals or recesses of not less than four inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.
5. **Projecting windows, display cases.** Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.
6. **Pedestrian entrances.** Ground level entrances shall be at least partly transparent to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
7. **Corner entrances.** Buildings on corner lots shall have corner entrances that open onto a concrete or paver landing (widened sidewalk or plaza) that extends from the adjacent sidewalk. Such building entrances are not required to be recessed, but shall have an awning, recess or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with Section 17.202.090, below, and the building shall provide architectural features (e.g., alcove with seating or artwork) at the corner that emphasizes the corner as a civic space.
8. **Remodels.** The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other features shall be visually compatible with the original architecture.
9. **Street level entrances.** All primary building entrances shall open to the sidewalk and be accessible pursuant to the American Disabilities Act (ADA). Primary entrances above or below grade may be allowed where ADA accessibility is provided.
10. **Street level/upper floors.** Building elevations shall contain detailing that

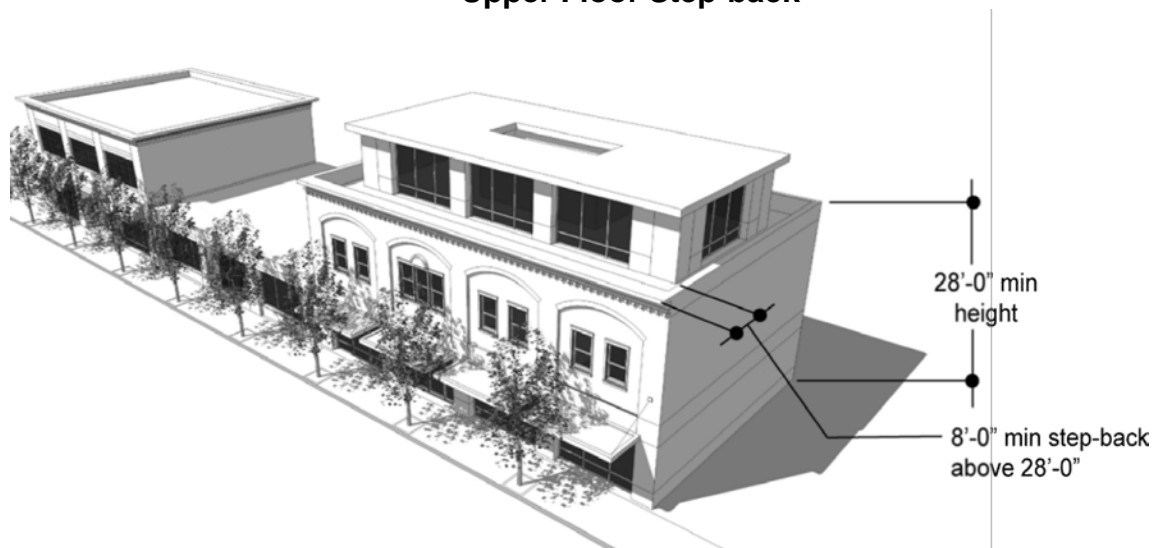
visually defines street level building spaces (storefronts). The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration.

Storefront Character – Corner Entry



- F. Upper story step-back.** The third story, and/or any portion of a building exceeding twenty-eight feet in height, as applicable, shall step-back at least eight feet from the outer plane of the building. The purpose of the height step-back is to maintain a small town appearance and scale as viewed from the street and to provide for solar gain and light filtering down to the street. Upper-story step-back surfaces may be used as balconies. Exceptions: this standard does not apply to civic, institutional, and religious buildings.

Upper Floor Step-back



G. Horizontal Building Line and Rhythm

1. **Horizontal rhythm.** All building elevations facing a street or civic space must incorporate rhythmic divisions. Front elevations should be articulated not less than once every twenty-five feet. Articulation should be subtle. For example, slight offsets in a building elevation, roofline and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Changes in paint color do not satisfy these standards. Side and rear elevations may be articulated less frequently but should complement the overall building design. The City may require architectural detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls (i.e., until an abutting property develops).
2. **Horizontal lines.** New buildings and exterior remodels shall follow prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line.

Exceptions: Where existing buildings do not meet the City's current architectural standards, a new building may establish new horizontal lines.
3. **Ground floor/upper floor division.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies.
4. **Building base.** Buildings shall have a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, to give a sense of strength.

Horizontal Building Line and Rhythm

H. **Vertical Rhythms.** New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details.

I. **Materials and Color.** Building designs shall conform to the following standards:

1. **Primary materials.** Exterior building materials shall predominately consist of brick, wood, metal, glass, or fiber cement (lap, panel, board and batten, shingle or similar siding), stucco, stone and/or similar masonry. Alternative building materials similar to the intent of the above would be reviewed and determined whether to be acceptable by the Planning Authority and/or Building Official.

Pitched roof materials shall be any material including new alternative materials acceptable to the Planning Authority and/or Building Official and in accordance with the Oregon Uniform Fire Code standards. Roofs, other than solar panels, must be non-reflective and a planted “green” roof is permitted.

All windows and doors must have wood or vinyl trim that is at least four inches deep, or masonry trim and sills with a similar depth. See also Secondary Materials and Substitute Materials, below.

Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. Textured concrete or split-face masonry block may be used.

2. **Change in materials.** Elevations should incorporate changes in material that define a building’s base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability, provided that the design is consistent with the overall composition of the building.

Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. A change in materials is not required.

3. **Secondary materials.** Any of the materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, wainscoting, weather protection features, ornamentation, etc.) when non-reflective and compatible with the overall building design, subject to approval through Site Design Review. Green walls or vertical gardens may also be used to cover exterior walls, with an approved planting and maintenance plan, subject to Site Design Review.

4. **Substitute materials.** Substitute materials that are equal in appearance, durability, and fire resistance to those in Subsection (I)(1) may be approved through Site Design Review. The applicant will be required to provide specifications from the manufacturer.
 5. **Color.** Reflective, luminescent, sparkling, and “day-glow” colors and finishes are prohibited. Metals shall be finished in mute or otherwise burnished to minimize glare.
 6. **Historic buildings and structures.** Preservation, rehabilitation, restoration and reconstruction of historic buildings and structures shall follow the Secretary of the Interior Standards for the Treatment of Historic Properties (<http://www.nps.gov/hps/tps/standguide/>) standards to the extent practicable. Designated historic properties are subject to the regulations in Chapter 17.310 Historic Resources.
 7. **Signs.** All signs, including building-mounted signs, shall comply with Chapter 17.305.
- J. **Pedestrian Shelters.** Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least fifty percent of a building's ground floor elevation(s) where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Pedestrian shelters shall align with one another to the extent practical. Use of colored canvas (not plastic) awnings and wood canopies, consistent with historic styles, is encouraged, though metal and plexi-glass canopies may be approved when consistent with a building's overall composition.

Exception: The City may reduce the minimum shelter depth upon finding that existing right-of-way dimensions, easements, or Building Code requirements preclude a larger shelter.

K. **Mechanical Equipment**

1. **Building walls.** When mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, must be installed on a building wall, it shall be screened from view from all public ways. Where such equipment is installed on a side or rear building elevation and is adjacent to a public access way or civic space, its appearance shall be screened. Standpipes, meters, vaults and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be

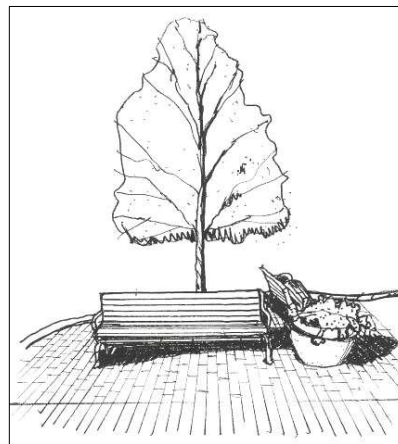
placed low on a side or rear elevation to the extent practical. Equipment for small-scale renewable energy or vertical gardens (e.g., mini-wind turbines, solar panels, green walls and similar features) are allowed subject to Design Review.

2. **Rooftops.** Rooftop mechanical units shall not be visible from the street or any alley, pedestrian access way or civic space. Such units should be screened behind a parapet wall or painted with muted, earth-tone colors that make them visually subordinate to their backgrounds.
 - a. Roof top terraces and gardens are permitted, consistent with applicable Building Codes and subject to Design Review.
3. **Ground-mounted mechanical equipment.** Ground-mounted equipment (e.g., generators and air compressors) shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. The City may require additional setbacks and/or noise attenuating equipment to promote compatibility with adjacent residential uses.
4. **Civic spaces.** Mechanical equipment and garbage storage areas are not permitted within the civic space(s) required under Subsection 17.202.090. The City may require that such facilities be screened completely from view and set back from a civic space for aesthetic reasons and to minimize odors or noise.

Section 17.202.090 Civic Space and Pedestrian Amenities

The increased development intensity, pedestrian activity, close building orientation and minimal private open space in mixed use zones requires that civic space be provided along street frontages and in courtyards or plazas between buildings. Civic space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization.

The provision of attractive and functional civic spaces is as important as building design and centralized parking areas to the success of mixed use commercial areas. Therefore, the City requires that all new commercial developments and redevelopment projects in these zones contribute their proportionate share of civic space.

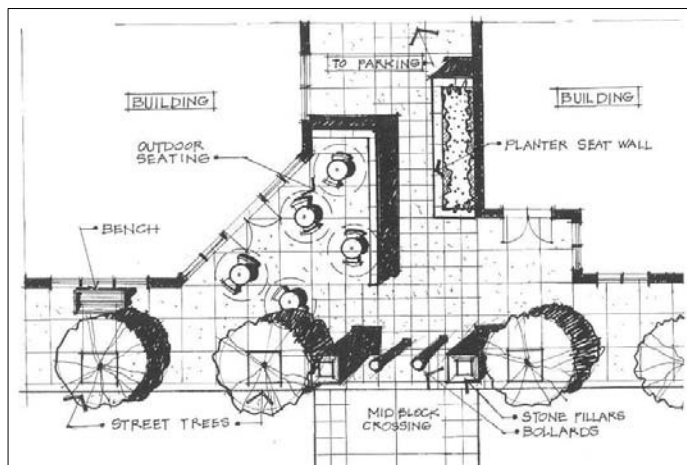


A. Standards.

1. **Civic space standard.** At least three percent of every development site shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the general public, with the highest priority locations being those areas with the highest pedestrian activity (e.g., street corners and pedestrian access ways), as generally illustrated in the examples accompanying this Subsection.

Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture).

Where public access is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area such as an outdoor eating area attached to a restaurant in finding the project complies with the standard. All civic spaces shall have dimensions that allow for reasonable pedestrian access and civic use. For example, a small site may provide a four foot wide strip adjoining the sidewalk for an outdoor eating area; where as a larger site at a street corner may provide a plaza adjacent to a building entrance. Improvements shall conform to Subsection B, below.



Examples of civic space with pedestrian amenities

2. **Exception for minor projects.** Building additions and remodels are not required to provide civic space when proposed building costs are estimated to be less than fifty percent of the existing assessed value of improvements on the subject site. Assessed values shall be the current year value of record at the Clackamas County Assessor's Office.
3. **Exception.** The City may find that the creation of civic space is not

practicable based on the project location or other relevant factors.

- B. Pedestrian Amenities.** Where civic space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor café space), benches, public art, pedestrian-scale lighting, shade structures, way-finding signs. Where a civic space adjoins a building entrance it should incorporate a weather protection canopy, awning, pergola, or similar feature, consistent with Section 17.202.080.

Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., street lamps or pathway bollard lights) at street corners or mid-block pedestrian access ways may be counted .

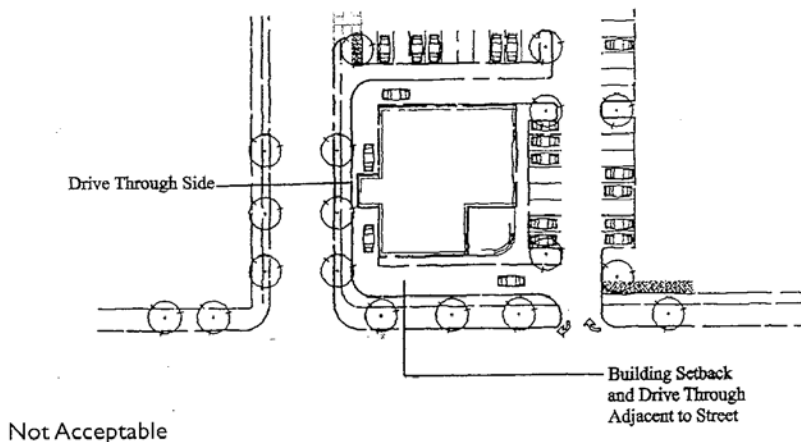
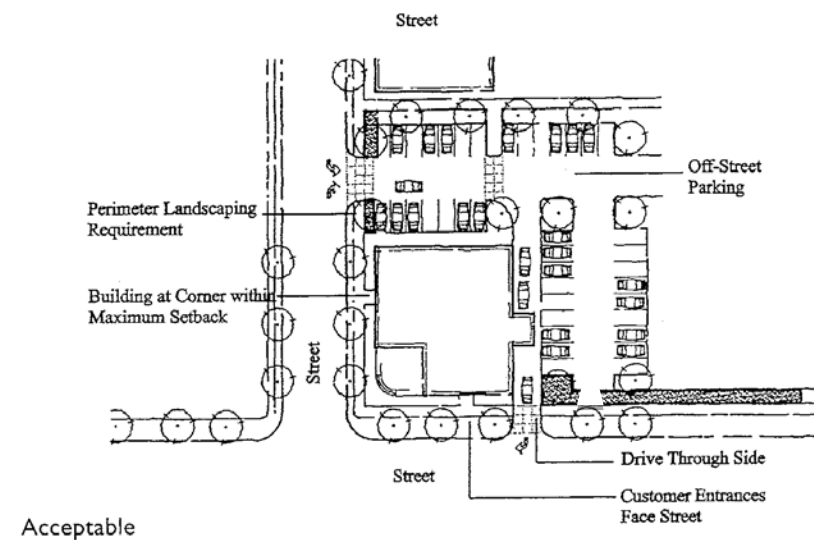
1. **Exception.** Building additions and remodels are not required to provide pedestrian amenities, though they are encouraged to do so. In such cases, the City may consider the voluntary provision of pedestrian amenities in approving adjustments to other applicable standards of under this Section.

Section 17.202.100 Drive-up and Drive-Through Uses and Facilities

Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and provide for pedestrian comfort and safety.

- A. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street;
- B. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within twenty feet of a street and shall not be oriented to a street corner. Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a corner;
- C. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way; and
- D. In the C zone, no more than one drive-up, drive-in, or drive-through facility is allowed for a distance of two hundred linear feet along the same block face (same side of street).

Drive-Up and Drive-Through Facilities



Section 17.202.110 Food Vending

Food vending is permitted in all mixed use, employment and industrial zones if it meets the following standards:

- A. All food vending mobile vehicles or carts shall be licensed by the appropriate authority at Clackamas County Health, Housing and Human Services, Environmental Health Department.
- B. Food vending vehicles or carts serving food at a farmers' market and removed from the site at the end of the day is not subject to a Type 1 review or permit. All other food vending vehicles or carts are subject to the following:
 1. **Maximum size.** The mobile vending vehicle shall not exceed one hundred forty square feet, measured by the outside dimensions of the unit.

Attachments to the mobile vending unit, such as awnings or canopies, shall be excluded when calculating the square footage.

2. **Storage.** All storage shall be inside or underneath the vending unit. No outside storage of food, cooking or serving utensils is permitted.
 3. **Location.** Mobile food vending vehicles shall locate on an existing hard-surfaced area or may locate on public streets within a designated parking space or on private property with owner's consent. The mobile unit must observe parking time limits, if any.
 4. **Setbacks.** Mobile vending vehicles or carts on a developed or undeveloped site shall be located a minimum of:
 - i. Five feet from any structure or other mobile vending vehicle or cart;
 - ii. Ten feet from any front lot line;
 - iii. Five feet from any side or rear lot line, except if such lot line abuts one of the following zones, in which case the setback shall be fifteen feet: any residential zone (LN, NL, NM).
 - iv. Windows and doors used for service to customers shall be located a minimum of ten feet from loading areas, driveways, on-site circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
 5. **Obstruction of vehicular and pedestrian use areas.** Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, on site circulation drives, parking lot aisles, or walkways. However, occupying existing on site automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking.
- C. Food vending vehicles or carts may locate on public property such as sidewalks, plazas or other public space after submitting for a Type 1 review, including a and design elevations. If approved, the applicant must obtain a permit from the City and have it available on-site.
- D. Adequate waste and recycling receptacles must be provided on-site and all waste must be removed and disposed of daily.

Chapter 17.203**EMPLOYMENT/INDUSTRIAL ZONES****Sections:****Section 17.203.010 Purpose****Section 17.203.020 Land Uses Allowed in the Employment/Industrial Zones****Section 17.203.030 Setback Yards; Industrial Buffering****Section 17.203.040 Lot Coverage and Open Space Dedication****Section 17.203.050 Site Layout and Design****Section 17.203.060 Building and Structure Height****Section 17.203.070 Special Standards****Section 17.203.010 Purpose and Applicability****A. Purpose.**

Chapter 17.203 accommodates a range of commercial employment and industrial land uses in two zones, Employment (E) and Industrial (I). Both zones are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees.

1. **Overall Intent.** Chapter 17.203 guides the orderly development of industrial areas based on the following objectives:
 - a. Provide for efficient use of land and public services;
 - b. Provide appropriately zoned land with a range of parcel sizes for industry;
 - c. Provide transportation options for employees and customers;
 - d. Locate business services close to major employment centers;
 - e. Ensure compatibility between industrial uses and nearby commercial and residential areas;
 - f. Provide appropriate design standards to accommodate a range of industrial users;
 - g. Provide attractive locations for business to locate; and
 - h. Accommodate mixed-use development of Employment areas.

2. Purpose of Individual Zones

- a. The Employment Zone (E) serves as the employment and business focal points of the City. It allows a broad array of office, fabrication, research and development, assembly, and supportive services in an attractive physical environment. Employment zoned areas are appropriate for the creation of business campuses and industrial business parks.
- b. The Industrial Zone is intended to meet the requirements of Metro's Title 4 requirements for Regionally Significant Industrial Areas (RSIA) provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other zones. These lands are designated as Regionally Significant Industrial Areas due to their size, availability of nearby utilities, or their proximity to a major transportation route.

Section 17.203.020 Land Uses Allowed in the Employment/Industrial Zones

Table 17.203.020a identifies the land uses that are allowed in the Employment and Industrial zones. The specific land use categories are described and uses are defined in Chapter 17.102.

Table 17.203.020 – Land Uses Allowed in Employment/ Industrial Zones <i>Key: P = Permitted, subject to Site Development Review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N – Not</i>			
Uses	Status of Use in Zone		
Use Categories (Examples of uses and Definitions are in Chapter 17.102)	Employment (E)	Industrial (I)	Standards
Residential Categories			
All Residential Uses (Household Living and Group Living) allowed, if: lawfully existing as of effective date of this Code , or	P	P	
New dwellings not exceeding a density of twenty-two units per acre built in conjunction with a permitted commercial or industrial use (residential use is allowed above ground floor only)	P	N	
Commercial Categories			
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	P*	P*	

Table 17.203.020 – Land Uses Allowed in Employment/ Industrial Zones <i>Key: P = Permitted, subject to Site Development Review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N – Not</i>			
Uses	Status of Use in Zone		
Use Categories (Examples of uses and Definitions are in Chapter 17.102)	Employment (E)	Industrial (I)	Standards
Commercial Categories			
Bed and Breakfast Inn	N	N	
Educational Services, not a school (e.g., tutoring or similar services)	P	N	
Entertainment, Major Event	CU	N	
Farmers' market [See 2.1.120(N)]	P*	P*	
Offices (not associated with a permitted industrial use)	P	P*	Section 17.203.070(A)(1)(b)
Outdoor Recreation, Commercial	CU	N	
Parking Lot (when not an accessory use)	CU	N	
Vehicle Service or Vehicle Repair (See also Drive-Up Uses)	P*	P	
Retail Sales and Service:			
Up to twenty thousand square feet floor area	P	P*	
Food vending- carts and vehicles	P	P	
Greater than twenty thousand and less than 60,000 square feet floor area	CU	N	
Self-Service Storage	P	P	

Table 17.203.020 – Land Uses Allowed in Employment/ Industrial Zones <i>Key: P = Permitted, subject to Site Development Review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N – Not permitted; N/A = Not applicable</i>			
Uses	Status of Use in Zone		
Use Categories (Examples of uses and Definitions are in Chapter 17.102)	Employment (E)	Industrial (I)	Standards
Industrial Categories			
Industrial Service (See also Drive-Up Uses):			
Fully enclosed (e.g., office)			
Tier 1	P	P	
Tier 2	P	P	
Tier 3	N	P	
Not enclosed			
Tier 1	CU	P	
Tier 2	CU	P	
Tier 3	N	P	
Manufacturing and Production:			
Fully enclosed			
Tier 1	P	P	
Tier 2	P	P	
Tier 3	N	P	
Not enclosed			
Tier 1	CU	P	
Tier 2	CU	P	
Tier 3	N	P	
Warehouse and Freight Movement	P	P	
Waste-Related	CU	CU	
Wholesale Sales			Section 17.203.070
Fully enclosed	P*	P*	
Not enclosed	P*	P*	
Basic Utilities and Utility Corridors	P	P	

Table 17.203.020 – Land Uses Allowed in Employment/ Industrial Zones <i>Key: P = Permitted, subject to Site Development Review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N – Not permitted; N/A = Not applicable</i>			
Uses	Status of Use in Zone		
Use Categories (Examples of uses and Definitions are in Chapter 17.102)	Employment (E)	Industrial (I)	Standards
Other Categories			
Colleges	CU	CU	See section 17.203.0 70.B
Community Service	P	N	
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	P	P	
Parks and recreation facilities	CU	CU	
Other open space	P	P	
Religious Institutions and Houses of Worship:			
Lawfully existing as of [effective date of Code]	P	P	
New	P	P	
Schools:			
Lawfully existing as of [date]	P	P	
New	CU	CU	See Section 17.203.0 70.B
Accessory Structures (with a permitted use)	P	P	
Urban agriculture	P*	P*	Section 17.201.0 90(M)

Table 17.203.020 – Land Uses Allowed in Employment/ Industrial Zones <i>Key: P = Permitted, subject to Site Development Review; * See applicable regulations; CU = Conditional Use Permit required (Chapter 17.404); N – Not</i>			
Uses	Status of Use in Zone		
Use Categories (Examples of uses and Definitions are in Chapter 17.102)	Employment (E)	Industrial (I)	Standards
Other Categories			
Buildings and Structures Exceeding the Height Limits	Type II	Type II	Section 17.203.060
Mining	N	CU	
Radio Frequency Transmission Facilities Within height limit of zone	P	P	
Exceeds height limit (free-standing or building-mounted facilities)	CU	CU	
Heavy Rail lines	CU	NCU	
Temporary Uses (limited to P and “CU” uses)	P	P	Chapter 17.411
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City’s Transportation System Plan)	P	P	

Section 17.203.030 General Employment/Industrial Zones – Setback Yards; Industrial Buffers

- A. Purpose.** Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.
- B. Applicability.** The setback yard and buffer standards in Subsections 17.203.030(C - F) are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under Subsection F. In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 17.404. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable Uniform Building and Fire Safety Codes are met.

C. Front and Street Yard Setbacks.

1. **Employment zone (E).** Minimum of ten feet.
2. **Industrial zone (I).** Minimum of twenty-five feet.

D. Rear Yard Setbacks.

1. **Employment zone (E).** Minimum of ten feet where adjacent to a Neighborhood Commercial or Employment Zone, except common wall buildings with zero foot setback are allowed;
2. **Industrial zone (I).** Minimum of twenty feet where adjacent to a Neighborhood Commercial or Employment Zone, except common wall buildings with zero foot setback are allowed;
3. **Employment/industrial zone (E or I) abutting a residential zone.** Minimum of forty feet.

E. Side Yard Setbacks. There are no required side-yard setbacks, except a minimum of forty feet is required when an Employment/Industrial zone (E or I) abuts any Residential zone.

F. Buffering and Other Yard Requirements.

1. **Buffering.** The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 17.302 when it finds through Site Design Review (Chapter 17.401), Conditional Use Permit Review (Chapter 17.404), and/or Planned Development Review (Chapter 17.406), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.
2. **Pedestrian Access.** The property owner may allow the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 17.301.030.

Section 17.203.040 Lot Coverage and Open Space Dedication

- A. Employment Zone (E).** Maximum lot coverage seventy percent.
- B. Industrial Zone (I).** Maximum lot coverage seventy percent.

Section 17.203.050 Site Layout and Design

- A. Development Compatibility.** Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke,

dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the Industrial and Employment Zones:

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 17.203.030.

B. Large-Scale Commercial Development – E Zone Only. Developments containing forty thousand square feet or more commercial, retail, wholesale, or office floor area in a Employment Zone shall have pedestrian-oriented design. This standard is satisfied when the approval body finds that a development meets all of the following criteria:

1. The commercial block layout standards in Section 17.202.060(D) are met; and
2. The architectural standards in Section 17.202.080 are met. For the purpose of meeting the build-to line standards in Subsection 17.202.080(C)(2), the build-to line is parallel to all abutting street property lines at a distance of ten feet from the street property line.

Section 17.203.060 Building and Structure Height

The maximum allowable height of buildings and structures in the E and I Zones is sixty feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit, provided they conform to the Upper Story Step-back standards in Section 17.202.080(F).

Section 17.203.070 Special Standards

The special standards below apply to specific uses on Employment/Industrial lands.

A. Special Standards in the Employment/Industrial Lands.

1. **Use Requirements.**
 - a. Commercial Category Uses within Table 17.203.020A shall not exceed three thousand square feet of floor space in a single building or twenty thousand square feet of combined floor area within a multiple building development.
 - b. Accessory Office Uses in an Industrial Zone shall not exceed thirty percent of total floor area within a project site.

- c. Retail/Wholesale uses not to exceed three thousand square feet of indoor and outdoor sales, service, or inventory storage area for a single building or twenty thousand square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.
 - d. Combined uses under (A)1 and 3 above shall not exceed a total of three thousand square feet of floor area in a single building or twenty thousand square feet of combined floor area within a multi-building development.
 - e. Farmers' markets to be consistent with Section 17.201.090(L).
 - f. Urban agriculture is subject to the standards in Section 17.201.090(M).
- 2. Lot size requirements.**
- a. Parcels less than fifty acres in size at the time of adoption of this Section. Land divisions may occur in conformance with an approved Master Plan consistent with the requirements of this Section. No lot size limit, except as shall be consistent with the other provisions of this Code.
 - b. Parcels fifty acres or greater in size existing on October 25, 2004, may be divided into any number of parcels or lots pursuant to an approved Master Plan provided that at least one lot or parcel of at least fifty acres in size remains. Provided further however, at least forty percent of the lot or parcel so created has been developed or planned for industrial uses and associated accessory uses and no portion has been developed or planned for any prohibited use.
 - c. Lots for Public Facilities and Services are exempt from these standards.
 - d. Lots created to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site by Oregon Department of Environmental Quality (DEQ) pursuant to Oregon Revised Statutes (ORS) 465.225 are exempt from these standards.
 - e. Separation of a lot or parcel containing a nonconforming use from the remainder of the site in order to improve the utility of the remainder site for the intended industrial uses is exempt from these standards.

B. Special Standards in the Employment Zone.

- 1. Use requirements.**
- a. Residential uses shall not exceed ten percent of total floor area.

- b. Wholesale Sales are limited to twenty percent of the total floor area.
- c. Colleges approved within the Employment or Industrial Zones shall be vocational in nature. (i.e. welding, electrician, fabrication, trucking schools).
- d. Daycare uses should be incidental to the primary use, and not exceed more than thirty percent of the total floor area.

Chapter 17.204

RURAL RESIDENTIAL FARM FOREST 5-ACRE ZONE (RRFF-5)

Sections:

Section 17.204.010	Purpose and Applicability
Section 17.204.020	Primary Uses
Section 17.204.030	Accessory Uses
Section 17.204.040	Uses Subject to Review by the Planning Official
Section 17.204.050	Conditional Uses
Section 17.204.060	Prohibited Uses
Section 17.204.070	Dimensional Standards
Section 17.204.080	Development Standards

SECTION 17.204.010 PURPOSE AND APPLICABILITY

Section 204 is adopted to implement the policies of the Comprehensive Plan for areas outside the City of Damascus Urban Growth Boundary, but inside of the Damascus City Limits. This zoning is comparable to similar Clackamas County zoning set forth in the Clackamas County Code Zoning and Development Ordinance. This zone is applied in accordance with the policies and Land Use Map contained within the City of Damascus Comprehensive Plan.

SECTION 17.204.020 PRIMARY USES

The following are primary uses in the Rural Residential Farm Forest 5-Acre Zone:

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 17.201.090(F);
- B. Current employment of land for general farm uses, including:
 1. Raising, harvesting, and selling of crops;
 2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees (no Africanized bees allowed);
 3. Selling of products of livestock, poultry, fur-bearing animals, or honeybees;
 4. Dairying and the selling of dairy products;
 5. Preparation and storage of the products raised on such lands for human use and animal use;

- 6. Distribution by marketing or otherwise of products raised on such lands;
and
- 7. Any other agricultural use, horticultural use, animal husbandry, or any
combination thereof;
- C. The propagation or harvesting of a forest product.
- D. Public and private conservation areas and structures for the conservation of
water, soil, forest, or wildlife habitat resources;
- E. Fish and wildlife management programs;
- F. Public and private parks, community gardens, campgrounds, playgrounds,
recreational grounds, hiking and horse trails, pack stations, corrals, stables,
and similar casual uses;
- G. Wireless telecommunication facilities subject to Section 17.306 consistent
with the provision for these facilities in the Neighborhood Zones in Section
17.201.030A.

SECTION 17.204.030 ACCESSORY USES

The following are accessory uses in the Rural Residential Farm Forest 5-Acre
Zone:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Home-based businesses, including bed and breakfast, home stays, subject
to Chapters 17.201.090(C) and (E) and Chapter 17.412;
- C. Produce stands, subject to the parking requirements of Chapter 17.303;
- D. Signs, subject to Chapter 17.305;
- E. Accessory Dwellings, subject to Section 17.201.A;
- F. Solar energy systems;
- G. Rainwater collection systems;
- H. Electric vehicle charging stations for residents and their nonpaying guests;
and
- I. Registered or certified family daycare providers.

SECTION 17.204.040 CONDITIONAL USES

A. The Planning Commission may approve the following Conditional Uses in the Rural Residential Farm Forest 5-Acre Zone, pursuant to Chapter 17.404.

1. Churches;
2. Schools;
3. Daycare centers, adult or child;
4. Cemeteries;
5. Mining;
6. Bed and breakfast residences and inns, subject to Section 17.201.090C;
7. Waste collection areas and waste-related recycling facilities;
8. Kennels, provided that the portion of the premises used for the kennel and dog runs are located a minimum of 100 feet from all property lines;
9. Commercial or processing activities that are in conjunction with timber and farm uses such as sawmills or slaughterhouses; and

SECTION 17.204.070 PROHIBITED USES

The following are prohibited uses in the Rural Residential Farm Forest 5-Acre Zone: Uses of structures and land not specifically permitted.

SECTION 17.204.080 DIMENSIONAL STANDARDS

- A. **Minimum Lot Size.** New lots of record shall be a minimum of five acres in size and must meet all applicable standards of this Code.
- B. **Minimum Front Yard Setback.** Thirty feet.
- C. **Minimum Side Yard Setback.** Ten feet.
- D. **Minimum Rear Yard Setback.** Thirty feet; however, accessory structures shall have a minimum rear yard setback of ten feet.
- E. **Variances.** The requirements of Subsections 17.204.080(B - D) may be modified pursuant to Chapter 17.405.

SECTION 17.204.090 DEVELOPMENT STANDARDS

- A. **General.** Development shall be subject to the applicable provisions of Article 17.300.

Chapter 17.205**CLACKAMAS RIVER GREENWAY OVERLAY****Sections****Section 17.205.010 Purpose****Section 17.205.020 Applicability****Section 17.205.030 Zoning Map Designator****Section 17.205.040 Land Use Regulations****Section 17.205.050 Development in Clackamas River Greenway Overlay****Section 17.205.010 Purpose**

The Clackamas River Greenway Overlay (CRG) is intended to accomplish the following objectives:

- A. Protect, conserve, enhance, and maintain the natural, scenic, economic, and recreational qualities of lands along the Clackamas River.
- B. Implement policies of the City's Comprehensive Plan
- C. Establish standards and requirements for the use of lands within the Clackamas River Greenway in the City of Damascus.
- D. Provide for the review of any change in use or development within the greenway.
- E. Increase and maintain access for recreational opportunities.
- F. Protect fish and wildlife that are dependent upon the Clackamas River ecosystem.

Section 17.205.020 Applicability

The Clackamas River Greenway Overlay may be combined with any base zone. It is generally applied to all land within one hundred fifty feet of the Clackamas River top of bank.

Section 17.205.030 Zoning Map Designator

The Clackamas River Greenway Overlay shall be shown on the Official Zoning Map by a Clackamas River Greenway (CRG) designator applied in addition to the base zone designation.

Section 17.205.040 Land Use Regulations

The land uses permitted in the Clackamas River Greenway Overlay include those

permitted in the base zone with which it is combined. The following additional provisions on allowable uses shall apply to any new development and the expansion of existing uses proposed within the CRG.

A. Permitted Uses. All uses permitted within the underlying zoning designation are permitted in the manner prescribed by the base zone subject to applying for and obtaining a permit issued under the provisions of this Chapter unless specifically exempted below.

B. Exemptions. The following development activities do not require a permit under the provisions of this Chapter:

1. Customary dredging and channel maintenance conducted under permit from the State of Oregon.
2. Seasonal increases in gravel operations under permit from the State of Oregon and/or the United States Army Corps of Engineers.
3. Accepted agricultural uses as defined by ORS 215.203(2)(a).
4. Low Impact public parks and boat ramps.
5. Scenic easements and their maintenance.
6. Replacement-in-kind or minor modification by public utilities for pump stations, public bathrooms, utilities, existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors and similar facilities.
7. Flood emergency procedures and the maintenance and repair of existing flood control facilities.
8. Signs, markers, announcements, etc. placed by a public agency to serve the public.
9. Maintenance or repair of existing residential houses, bridges, structures, docks, provided the work does not involve expansion of building square footage or building footprint.
10. Landscaping with native or existing vegetative materials only (excluding nuisance or prohibited plants on the Portland Plant List).
11. Reasonable emergency procedures necessary for the safety or protection of property.
12. Wetland, riparian and upland enhancement or restoration projects done with approval of city staff and regulatory agency personnel (e.g. Oregon

Department of Fish and Wildlife and Oregon Division of State Lands).

13. Temporary and minor clearing not to exceed two hundred square feet for the purpose of site investigations and pits for preparing soil profiles, provided that such areas are restored to their original condition when the investigation is complete. While such temporary and minor clearing is exempt from the provisions of this Chapter, it is subject to all other City Codes, including provisions for erosion control and tree removal.
14. Removal of plants identified as nuisance or prohibited plants on the Portland Plant List and the planting or propagation of plants identified as native plants on the Portland Plant List. After removal all open soil areas greater than twenty-five square feet must be replanted.
15. Maintenance, repair and replacement of existing structures provided they are not altered or expanded in a manner that increases encroachment into the Clackamas River Greenway.
16. Low impact public or private outdoor recreation facilities including, but not limited to, multi-use water permeable paths and trails to a maximum width of four feet, picnic areas, interpretive displays, and benches.
17. Maintenance and repair of public paths are exempt.
18. Interior remodeling.

C. Prohibited Uses. The following uses are prohibited within the CRG:

1. Permanently anchored/moored residential floating structures, also known as floating homes or houseboats.
2. The location of any dock under any water condition that prevents what would otherwise be historic, safe, uninterrupted water passage.
3. On-site septic systems are permitted in accordance with DEQ requirements.
4. Planting of any species identified as nuisance or prohibited plants on the Portland Plant List.
5. Large-scale outdoor recreation and entertainment uses, including golf courses, driving ranges, campgrounds; etc.

Section 17.205.050 Development in the Clackamas River Greenway Overlay

No application for development on property within the protection area shall be approved unless the decision making authority finds that the proposed

development is consistent with the purpose statements of the Clackamas River Greenway Overlay, and that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

- A. Construction activities shall minimize physical impacts to the Clackamas River Greenway Overlay.
- B. Impacts that cannot be avoided shall be mitigated for at a ratio of one to one in area.
- C. The proposed mitigation plan shall be prepared by a qualified professional with expertise in river ecosystems, riparian areas, and wildlife habitat. (i.e. Biologist, Ecologist, Wetland Scientist).
- D. Construction plans for the site shall include erosion control measures that specifically function to prevent debris and sediment from flowing directly into the Clackamas River or any adjoining tributary.
- E. No construction activities shall occur within the Clackamas River Greenway Overlay without having approved permits from the City of Damascus, and if applicable, the US Army Corps of Engineers, the Oregon Division of State Lands, the Oregon Department of Fish and Wildlife, and any other State or local agency with jurisdiction.

Chapter 17.206

FLOOD HAZARD OVERLAY

Sections

Section 17.206.010	Purpose
Section 17.206.020	Applicability
Section 17.206.030	Zoning Map Designator
Section 17.206.040	Land Use Regulations
Section 17.206.050	Exempt Development in the 100-Year Floodplain
Section 17.206.060	General Provisions for Development within the Flood Hazard Overlay
Section 17.206.070	Approval Criteria for Development Permits within the Flood Hazard Overlay

Section 17.206.010 Purpose

Certain areas within the City of Damascus are subject to periodic inundation from flooding which may result in loss of life, property, and health, create public safety hazards, disruption of commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief. The purpose of this Flood Hazard Overlay is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize damage to public facilities and utilities;
- D. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- E. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 17.206.020 Applicability

The Flood Hazard Overlay may be combined with any base zone, and shall apply to all areas subject to a base flood and/or designated as an area of special flood hazard on the FEMA FIRM maps. All development shall hereafter proceed in compliance with the terms of this Chapter and other applicable regulations. The standards and definitions contained in this Code shall be the minimum standards administered and enforced for flood damage reduction within the City of

Damascus. Aside from improvements deemed necessary for the community at large, (i.e. utility corridors, bridges, streets, and similar infrastructure) development in the floodway is prohibited.

Section 17.206.030 Zoning Map Designator

The Flood Hazard Overlay shall be shown on the Official Zoning Map by a Flood Hazard (FH) designator applied in addition to the base district designation.

Section 17.206.040 Land Use Regulations

Development within the Flood Hazard Overlay, unless exempted below, shall be subject to a Type III review in conformance with the provisions of Section 17.400.040 of this Code. The permit is subject to the provisions of the underlying zone, this Overlay, and any other applicable standards for the proposed development. Exempted uses are subject to a Type I permit.

Section 17.206.050 Exempt Development in the 100-Year Floodplain

The following uses are outright permitted uses within the 100-year floodplain. For the purposes of this Chapter, the word “structure” shall exclude: children’s play equipment, picnic tables, sand boxes, grills, basketball hoops and similar recreational equipment.

- A. Accessory uses such as lawns, gardens, or play areas; except in a vegetated buffer, as defined by Clackamas County Water and Environmental Services, or any Statewide Goal 5 vegetated corridor established for the Clackamas River.
- B. Accepted farm practices conducted without locating a structure within 100-year floodplain.
- C. Community recreation uses.
- D. Public and private conservation areas for water, soil, open space, forest, and wildlife resources.
- E. Removal of poison oak, tansy ragwort, blackberry, English ivy, or other noxious vegetation.
- F. Maintenance of floodway excluding re-channeling; except in a vegetated buffer, as defined by Clackamas County Water and Environmental Services, or any Statewide Goal 5 vegetated corridor established for the Clackamas River.
- G. Fences; except in the floodway area, or a vegetated buffer, as defined by Clackamas County Water and Environmental Services, or any Statewide Goal 5 vegetated corridor established for the Clackamas River.

- H. Land form alterations involving up to 50 cubic yards of material; except in the floodway area, or a vegetated buffer, as defined by Clackamas County Water and Environmental Services, or any Statewide Goal 5 vegetated corridor established for the Clackamas River.
- I. Responses to public emergencies, including emergency repairs to public facilities.
- J. Division of State Lands and US Army Corps of Engineers approved stream and wetlands restoration and enhancement programs.
- K. Non-native vegetation removal.
- L. Planting of native plant species.
- M. Routine maintenance or replacement of existing public facilities.

Section 17.206.060 General Provisions for Development within the Flood Hazard Overlay

- A. Permit Review.** The appropriate approval authority shall review all permit applications to determine whether proposed building sites will minimize the potential for flood damage.
- B. Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration with the most recent Flood Insurance Study (Clackamas County, June 17, 2008) and accompanying Flood Insurance Rate Maps are hereby adopted by reference and declared to be a part of this Chapter. This Flood Insurance Study is on file at the City of Damascus, 19920 SE Highway 212.
- C. Base Flood Elevation Data.** When base flood elevation data has not been provided in accordance with Section 17.206.060(B) above, the Planning Authority shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source.
- D. Test of Reasonableness.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for Building Permits shall be reviewed to assure that the potential for flood damage to the proposed construction will be minimized. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
- E. Equipment Protection.** Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or

accumulating within the components during conditions of flooding.

- F. Water Supply Systems.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
- G. Anchoring.** All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- H. Sanitary Sewerage Systems.** New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwater.
- I. On-site Water Disposal Systems.** On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- J. Residential Construction**
1. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including the basement, elevated at least one foot above base flood elevation;
 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.
 3. Manufactured homes shall be securely anchored to an adequately anchored system. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- K. Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial, or other nonresidential structure

shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City of Damascus.
4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 17.206.060(L). Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood- proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

L. Subdivisions and Partitions in 100-year Floodplain. Subdivisions and partitions in the 100-year floodplain shall meet the following criteria:

1. The design shall minimize the potential for flood damage;
2. Public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed so as to minimize flood damage;
3. Adequate drainage shall be provided to reduce exposure to flood damage; and
4. For subdivisions or partitions which contain more than fifty lots or five acres and where base flood elevation data is not available from the Federal Emergency Management Agency (FEMA) or another authoritative source, the applicant shall generate base flood elevation data to be reviewed as part of the application consistent with the intent of Section 17.206.060(D).
5. A note shall be placed on the face of the plat indicating which lots are located within a designated flood hazard area. A similar disclosure, approved by the City, shall be recorded as a separate document at the same time the plat is recorded, so that any buyer or developer of the property is aware of the limitations associated with the property.

Section 17.206.070 Approval Criteria for Development Permits within the Flood Hazard Overlay

The responsible decision maker shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:

- A. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;
- B. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;
- C. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with any adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the hearings body as untimely.